

Sub-clause 14.—It is essential that the Bank should have power to borrow in London in view of the obligation imposed upon it to keep the Secretary of State in funds, and it is necessary also that the Bank should be able to borrow in India so as to facilitate the control of credit. The limitation which this clause provides will prevent the Bank from using its power of borrowing in order to compete with other banks for fixed deposits.

Clause 18.—This gives effect to the recommendation in paragraph 102 of the Royal Commission's report regarding open market operations. The Joint Committee considered it necessary to prescribe definitely that the Reserve Bank should not be entitled to enter into indiscriminate competition with commercial banks, and for this reason it has been provided that action under this clause must be approved by the Board of the Bank; and the purposes for which alone they should approve the undertaking of such operations have also been indicated.

Clause 19.—This is based upon Schedule II of the Commission's report defining the business which the Bank should not be authorised to carry on or to transact.

Clauses 20 and 21.—These give effect to the recommendation in paragraph 140 of the report regarding the relations of the Bank with the Government. As recommended by the Joint Committee it has been provided that the Reserve Bank should have control of all Government balances not excluding those of such of the Local Governments as may have the custody and management of their own provincial revenues.

Clause 22.—This gives effect to the recommendation in paragraph 141 of the report. The Commission recommend that the right of note issue should be transferred to the Bank as soon as the Bank is in a position to issue its own notes. It is, however, thought to be undesirable to delay the exercise of this function of the Bank until it is able to arrange for the manufacture and issue of its own notes, and it is therefore proposed to allow the Bank to issue notes of the Government of India for a year from the date on which the Bank takes over the control of the currency.

Clause 23.—This gives effect to the recommendation in paragraph 143 of the Commission's report regarding the separation of the Banking and Issue Departments of the Bank.

Clause 24.—This gives effect to the recommendation in paragraph 142 of the Commission's report. Freedom is retained to postpone for a time the issue of one rupee notes if such postponement appears desirable with reference to the size of the holding of silver rupees in the Reserve. Provisions relating to a gold mohur introduced by the Joint Committee have been removed for reasons which have been fully explained in previous discussions.

Clause 25.—This gives effect to the recommendation in paragraph 155 of the Commission's report regarding the form and material of bank notes.

Clause 26.—This is based upon the recommendation in paragraph 149 of the Commission's report that the notes of the Bank shall be legal tender for the payment of any amount and shall be guaranteed by the Government of India. The guarantee ensures the confidence of the public in the bank notes.

The Commission recommended in paragraph 141 of their report that, not later than five years from the date of the Bank Charter becoming operative, the Government of India notes still outstanding should cease to be legal tender except at Government treasuries. It may be presumed that by the end of five years very few Government of India notes will remain outstanding: but it would be undesirable to take away the legal tender character of such note in the absence of any very definite advantage to be gained by so doing. No provision to the effect suggested is therefore made. It is, however, proposed to take power for the Governor General in Council to call in notes of particular series if necessity arises.

Clause 27.—This is based on paragraph 155 of the Commission's report regarding the re-issue of bank notes.

Clause 28.—This is based upon a similar provision in the Indian Paper Currency Act, 1923, and is necessary to protect the Bank against a civil action in respect of notes lost, stolen, mutilated or imperfect. The present practice by which a note may be divided into two halves and the halves when joined together are accepted as legal tender remains unaffected.

Clauses 29 and 30.—These are based upon similar provisions in the Indian Paper Currency Act, 1923. The proviso in clause 29 has been altered from the form in which it stood for many years in order to make it clear that cheques upon a banking account are not prohibited by that clause, even though the account may be overdrawn.

Clause 31.—This gives effect to the recommendations in paragraph 145 of the Commission's report regarding the constitution of the Reserve.

Sub-clause 2.—The Joint Committee introduced in the previous Bill a provision requiring that after the end of ten years the amount of gold securities in the Reserve must never exceed one-half of the total gold assets. This has been omitted, as such a provision is likely to prove unduly hampering to the executive of the Bank in the management of the Reserve.

Sub-clause 3.—The amount of silver coin and bullion now held in the Paper Currency Reserve is 110 crores, or 25 crores more than the amount held at the time at which the

Royal Commission made their recommendations. It is open to grave doubt whether it would be possible without a serious disturbance of the silver markets of the world to dispose of this surplus silver within a period of ten years. Partly for this reason and partly because of the obligation imposed on the Bank by clause 37 to supply rupees freely to the public in such quantities as may be required for circulation, the limits of the amount of rupee coin which may be held at various periods in the Reserve have been increased by 25 crores each.

Sub-clause 5.—The proportion of the gold coin and gold bullion held in the Reserve which must be kept in British India has been raised to 85 per cent. The raising of the proportion to this extent has been rendered possible largely by the elimination of the provision for the sale of gold for delivery outside India which was recommended by the Commission.

Sub-clause 6.—The Joint Committee wished to prohibit the holding in the Reserve of bills of exchange drawn on foreign gold standard countries as an unnecessary and undesirable feature of a gold reserve. But the provision to which the Joint Committee objected appears in Statutes regulating the conduct of other central banks, and the Government of India are satisfied that the same liberty should be given to the Reserve Bank of India.

Clause 32.—This gives effect to the recommendation in paragraph 146 to the Commission's report defining the liabilities of the Issue Department. The initial amount of 50 crores of rupees for the purpose of providing for rupee redemption recommended by the Commission has however now been altered to 40 crores. The original figure was based on an estimate indicating the total amount of rupees that might be spared from circulation as about 250 crores. In view of the changes now proposed as regards the permissible silver holding in the Reserve and of the return of rupees from circulation since the Royal Commission reported, it is considered safe to reduce the figure for rupee redemption to 40 crores of rupees.

The provision in sub-clause (2) of this clause is similar to that in the proviso to sub-section (6) of section 18 of the Indian Paper Currency Act, 1923, although it differs in detail. Under the Indian Paper Currency Act, 1923, notes of denominational value exceeding Rs. 100 cannot be deemed to be not in circulation until 100 years after the date of issue whereas notes of lower denominations are so deemed after 40 years. This distinction between the higher and the lower denominations of notes is undesirable. In practice notes of higher denomination are much less likely to be outstanding for a very long period than notes of lower denomination and the practice at the Bank of England is to treat all notes as not in circulation after 40 years. It is considered that the Reserve Bank might with advantage follow the practice of the Bank of England.

Clause 33.—This is based upon paragraph 144 of the report. The Commission recommended that coin and bullion and securities to be transferred to the Issue Department should be specified in a Schedule. The amount of notes in circulation at the time of inauguration of the Bank will not be known when the Bill is introduced and passed and also between the dates of introduction of the Bill and its passing into law and the inauguration of the Bank, there will be changes in the constitution of the Reserve held against note issue. It is, therefore, proposed to provide for the transfer to the Bank of assets of such a nature as to enable the Bank to constitute the Reserve in accordance with the requirements laid down in the Act. In order to give the new Bank the necessary margin over minimum requirements, it is proposed to include in the assets transferred, gold and gold securities equal to one-half of the liabilities of the Issue Department as suggested in clause 3 (a) of Schedule III to the report.

Clause 34.—This gives effect to the recommendation in paragraph 147 of the report regarding the disposal of surplus rupees by the Bank.

Clause 35.—This gives effect to the recommendations of the Commission in paragraph 147 of the report. As it would be uneconomical to coin new rupees until the stock of silver rupees in the Reserve is reduced to a limit of 25 crores or one-tenth of the total amount of the Reserve whichever is greater, it is proposed to limit the right of the Bank to demand the delivery of rupee coins from Government.

Clause 36.—This gives effect to the recommendation in paragraph 148 of the report regarding the mutual obligations of the Government and the Bank in regard to rupee coin.

Clause 37.—This gives effect to the recommendation in paragraph 152 of the report. The provisions regarding mohurs introduced by the Joint Committee in this clause have been omitted.

Clauses 38 and 39.—This gives effect to the recommendations in paragraphs 150 and 166 of the Commission's report regarding the sale of gold and gold exchange by the Bank. Certain modifications are however proposed. The obligation to sell gold for delivery at foreign centres has been replaced by a permanent obligation to sell gold exchange from the outset in any gold standard country notified in this behalf by the Government of India. It is considered that the obligation imposed on the Reserve Bank to keep stable the value of the currency will be made capable of fulfilment by this provision, while at the same time it will make it possible for a greater proportion of gold to be held in India.

The latest date recommended by the Currency Commission on which the obligation to sell gold should have effect is 1st January, 1931. The Joint Committee advanced it by six months and for the reasons given under clause 1 it has been considered necessary that power should be taken to postpone the effective operation of this section in the manner provided in that clause.

The minimum amount of gold to be purchased or sold was originally fixed at 1,065 tolas based on the fact that the weight of commercial bars in London is 400 ozs. This original figure is in both cases now reduced to 250 tolas as being a figure more suited to Indian conditions.

The Commission recommended that during the transition period the Reserve Bank should be under an obligation to sell gold or gold exchange at its option. As the Bank must concentrate on building up its gold holdings in order to be in a position to undertake the definite obligation to sell gold prescribed for a later stage, the option to sell gold during the interim period has been replaced by the immediate permanent obligation to sell gold exchange already mentioned.

Clause 40.—This gives effect to the recommendation in paragraphs 151 and 166 of the Commission's report.

Clause 41.—This gives effect to the recommendation in paragraph 153 of the report regarding the suspension of reserve requirements.

Clause 42.—This gives effect to the recommendation in paragraph 154 of the Commission's report. But it is now made clear that the Bank is to be exempted only from the payment of stamp duty under the Indian Stamp Act, 1899, in respect of the bank notes issued by it. It is not the intention to give any wider exemption.

Clause 43.—The provisions in this clause are in accordance with the recommendations in paragraph 149 of the report. The Commission recommended that the Governor General in Council should have the right to take over the assets of the Issue Department so far as they are required to meet the liability of the note or of rupee redemption. It is proposed to give the Governor General in Council the right to take over the assets not only of the Issue Department but of the Banking Department as well, as in theory such a necessity might arise if the Bank failed to keep sufficient assets in the Issue Department. A provision is also made for the carrying on of the note issue in such circumstances by some other agency determined by the Governor General in Council.

Clause 44.—This gives effect to the recommendation in paragraph 161 of the Commission's report with certain modifications. The percentages for minimum reserve balances recommended by the Commission appear somewhat high for India. It is, therefore, proposed to reduce these percentages to $7\frac{1}{2}$ and $2\frac{1}{2}$ per cent. of the demand and time liabilities, respectively.

The definition of 'Bank' or 'Banker' suggested in paragraph 162 of the Commission's report is imperfect, but it is difficult to arrive at any satisfactory definition. It is, however, considered that if the Reserve Bank is to exercise proper control over the credit system of the country, the obligation imposed by this clause must be extended as widely as possible and should fall upon every firm of any standing or importance doing banking business in British India. It is, therefore, proposed to exhibit in a Schedule attached to the Bill the banks to which the provision in this clause should apply in the first instance, all banks being included which have a paid-up capital and reserve of an aggregate value of not less than three lakhs of rupees. For the future the Governor General in Council is required to include among the scheduled banks any bank which attains the necessary standing or importance and to exclude any bank which falls short of that standard.

The method of computing of the requisite proportion of the demand and time liabilities of the banks affected, follows the provisions made for the same purpose in the Federal Reserve System of the United States of America.

As the monthly return prescribed in paragraph 161 of the report will show only the position at the close of the months to which it relates, it is necessary to provide for the receipt of the information mentioned in sub-clause (3) of this clause.

It is also necessary that provision should be made to enable the Government to take action not only on the monthly report submitted by the Bank, but also on any report received from the Board of the Reserve Bank.

The provision in paragraph 161 of the Commission's report, which requires a summary of the monthly return of each bank to be published, has been omitted as the particulars required for the purpose of this clause furnish only a partial statement of the bank's affairs and their publication might mislead the public as regards the financial position of a bank.

Clause 45.—This follows the intention of paragraph 87 of the report.

Clause 46.—This is based upon the recommendation in paragraph 100 of the Commission's report. It is considered unnecessary to build up the reserve fund as quickly as the Commission suggest and a lower rate of accumulation has, therefore, been proposed. Also the additional dividend to be given to shareholders under certain circumstances has been reduced from a maximum of 3 per cent. recommended by the Commission to one of 2 per cent.

Clause 47.—This gives effect to the recommendation in paragraph 158 of the Commission's report.

Clauses 48, 49 and 50.—These give effect to the recommendation in paragraph 156 of the report.

Clause 51.—This gives effect to the recommendation in paragraph 157 of the report.

Clause 52.—It is necessary to make provision for the contingency of the liquidation of the Bank and the distribution of the reserve fund and surplus assets, if any, of the Bank.

Clause 53.—This is based upon the recommendation in paragraph 164 of the report. The Commission proposed that the Governor General in Council should be given absolute power to make regulations. It is thought preferable that regulations should be made by the Board with the previous approval of the Governor General in Council.

Local Boards are not to be constituted on the creation of the Reserve Bank, but it is proposed to give power to the Reserve Bank Board to establish such Local Boards if considered necessary later on and to delegate to them such powers and functions as may be desirable.

Clause 54.—The obligation imposed on the Government by the Currency Act IV of 1927 to receive sovereigns and half-sovereigns from the public at their bullion value will be taken over by the Bank simultaneously with the transfer of the conduct of note issue to it.

The First Schedule.—The First Schedule in the Bill as amended by the Joint Committee has been brought up-to-date.

The Second Schedule.—The provisions contained in this Schedule involve no fresh charge on the tax-payer. They are designed to compensate the Imperial Bank of India for the agency work done for the Reserve Bank and for the loss in respect of non-paying branches.

The Third Schedule.—This gives the scale of additional dividend payable to the shareholders and is so fixed as to give a maximum of 2 per cent. in addition to the ordinary dividend of 5 per cent.

The Fourth Schedule.—This is based upon Schedule IV to the report of the Commission. The gold coin or bullion held by the Bank in the Issue Department in India is proposed to be shown separately from that held outside India.

BASIL P. BLACKETT.

The 11th January, 1928.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, MARCH 1, 1928.

PART VI.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly, and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A Bill to limit the interest charged on loans of various kinds in British India, and to bring the law in conformity to the needs of the people.

WHEREAS it is expedient to limit the interest charged on loans of various kinds in British India and to bring the law in conformity to the needs of the people; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Interest Act, 19 .
- (2) It extends to the whole of British India.
- (3) It shall come into force on.....

Amount of interest.

2. No creditor, whether of a secured or unsecured loan, shall be entitled to recover interest, either payable at one time or by instalments, exceeding the principal amount originally lent or due at the date of suit, whichever is less.

Powers of Court to grant relief in case of excessive interest.

3. Notwithstanding anything hereinbefore said where in any suit to which this Act applies whether heard *ex parte* or otherwise, the Court has reason to believe—
 - (a) that the interest is excessive, and
 - (b) that the transaction was, as between the parties thereto, substantially unfair,

the Court may exercise all or any of the following powers, namely, may—

- (i) reopen the transaction, take an account between the parties and relieve the debtor of all liability in respect of any excessive interest;
- (ii) notwithstanding any agreement purporting to close previous dealings and to create a new obligation, reopen any account already taken between them and relieve the debtor of all liability in respect of any excessive interest and, if anything has been paid or allowed in respect of such liability, order the creditor to repay any sum which it considers to be repayable in respect thereof;
- (iii) set aside either wholly or in part or reverse or alter any security given or agreement made in respect of any loan, and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent as it may deem fit.

Principal in case of bonds executed for arrears.

4. In the case of a bond executed for arrears of principal and interest due on a prior bond, the principal for purposes of this Act is the principal of the prior bond.

Savings.

5. This Act shall not apply to usufructuary mortgages.

Repeals.

6. Provisions of other laws and regulations, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Bill is designed to prevent the accumulation of interest for long periods and thereby save many a debtor from the clutches of covetous and clever creditors.

There is a rule in Hindu Law which is called *Damdoopat*. It is in operation in the Bombay Presidency, Berar and the town of Calcutta, but it is limited in its scope and is applicable only to Hindus. This rule cannot be taken as a purely religious law of the Hindu community; it is laid down only to safeguard the debtors' interests as the Hindu Law sanctions the taking of interest on loans. The Muslim *Shariat* has forbidden to take interests at all and so there could be no occasion for such emergency. Under the circumstances of the heterogeneous society of India, it is quite justifiable and necessary that the present Bill be passed for the benefit of a debtor irrespective of the caste, creed and colour. The present Bill is wider in its scope and is more in conformity to the incessant demands and needs of the people of India, and the creditor will not be able to ruin his debtor with his waiting game.

The words "by instalments" in clause 2 are added in order to safeguard against the contrivance on the part of the creditors to nullify the effect of the provisions of the Bill by recovering interest on a system of instalments. The clause 3 is embodied to prevent the creditors from making injudicious bargains and is taken from the Usurious Loans Act of 1918.

The Interest Act of 1839 (Act XXXII) and the Usury Repeals Act of 1855 (XXVIII), which are absolutely inconsistent with both the Hindu and Muhammadan Laws on the subject, were passed at a time when the Councils were devoid of Indian representation by their own people and have proved ruinous.

The Usurious Loans Act of 1918 although it gives power to Courts to curtail the rate of interest under certain circumstances and which is also not exercised duly yet provides no remedy to stop accumulation beyond a certain limit.

The 15th November, 1926.

MUHAMMAD YAKUB.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[TO BE INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A Bill further to amend the Indian Merchandise Marks Act, 1889.

WHEREAS it is expedient further to amend the Indian Merchandise Marks Act, 1889, for the purpose hereinafter appearing ; it is enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Merchandise Marks (Amendment) Act, 1927.

(2) It shall come into force on the first day of January 1928.

Insertion of new section 12A in Act IV of 1889.

2. After section 12 of the Indian Merchandise Marks Act, 1889, the following section shall be inserted, IV of 1889, namely :—

Indication of local origin of imported goods.

“12A. (1) The Governor General in Council may, by notification in the Gazette of India, prescribe the kind, description or class of goods brought into British India to which a trade description giving the place or country in which they were made or produced shall be applied.

(2) The Governor General in Council may, after previous publication, make regulations, either general or special, prescribing—

(a) the form in which the trade description shall be applied ;

(b) the manner in which the trade description shall be applied, whether by a mark to be placed upon the goods, or in some other manner ; and

(c) the time or occasion when the trade description shall be applied, and, in particular, whether the trade description shall be applied on importation only, or also on sale of the goods, either by wholesale or retail, in British India.

(3) If a person who is required under this section to apply a trade description to any goods fails to do so or contravenes any regulation made under sub-section (2), he shall be punished in the same manner as if he had been guilty of applying a false trade description to goods.”

STATEMENT OF OBJECTS AND REASONS.

There is no provision in the existing law in India which can compel the application of a trade description to imported goods. The result is that articles made in foreign countries, without any indication as to their local origin, are sometimes palmed off as Indian manufactures. It is a well known fact that a kind of piece-goods especially manufactured abroad is sometimes sold in India as hand-woven *Khaddar*. Again cheap hosiery, particularly cotton undershirts, are imported from Japan without any trade description and sold in this country as local manufacture. In such cases, the local origin of goods should be indicated so as to prevent fraud on the consumers, and protect some of the struggling industries of India from unfair competition. It is proposed in this Bill to arm the Governor General in Council with power to specify any imported goods in respect of which the importer, or the wholesale or retail dealer, shall be called upon to affix a trade description giving the place of origin thereof. It may be mentioned that the provisions are mainly adapted from the recommendations of a Departmental Committee of the British Government regarding legislative action in the United Kingdom in the interest of certain Empire or British Goods.

K. C. NEOGY.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A Bill further to amend the Inland Steam Vessels Act, 1917.

WHEREAS it is expedient further to amend the Inland Steam Vessels Act, 1917; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Inland Steam Vessels (Amendment) Act, 1927.

(2) It shall come into force on the first day of January, 1928.

Insertion of new sections 54A and 54B in Act I of 1917.

2. In Chapter VI of the Inland Steam Vessels Act, 1917, after section 54, the following sections shall be inserted, namely :—

Maximum and minimum freights and fares to be fixed.

“54A. The Governor General in Council may, by notification in the Gazette of India, prescribe the maximum and minimum rates of freights and fares which it shall be lawful for the owner of an inland steam vessel to charge for the conveyance of goods and passengers.

Advisory Committees.

“54B. The Local Government may make rules for the appointment of Advisory Committees to advise the owner of an inland steam vessel on questions affecting the interests of passengers, and may prescribe by rules the constitution and functions of such Committees.”

STATEMENT OF OBJECTS AND REASONS.

The control exercised by Government over inland steam vessels carrying on goods and passenger service in this country does not extend to fixing the rates at which they can levy charges on the public. Virtually in the position of monopolists, the inland steamer organisations enjoy unfettered freedom in this matter. In Bengal and Assam where they supply very considerable facilities for transport, their charges are considered to be unduly high. There has been for sometime a good deal of local public agitation against this state of things, but to no effect. It seems reasonable that, when Government exercise a certain amount of control over Railways owned and managed by private companies, in the matter of regulation of freights and fares, similar control should be assumed in respect of inland steam vessels also. It is proposed in this Bill to invest Government with authority to fix maximum and minimum freights and fares that can be lawfully charged by inland steamer services, on the analogy of similar authority in regard to Company-managed Railways. While the maximum rates would protect the public against exorbitant demands, the minimum scales to be fixed under the Bill would prevent unfair rate-wars which have in the past defeated indigenous efforts at organising inland steamer service in competition with powerful combines in Bengal.

A second provision in this Bill is to enable Advisory Committees to be constituted and attached to the inland steamer concerns at different important stations, more or less on the lines of Railway Advisory Councils. As matters stand at present, the agents of the monopolist companies running inland steamer services are not in touch with public opinion, and do not pay adequate attention to the grievances of the travelling public.

K. C. NEOGY.

The 23rd December, 1926.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient to make better provision for the protection of children against unlawful intercourse with them during their infancy; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Children's Protection Act, 192 .

Amendment of section 375, Act XLV of 1860.

2. In section 375 of the Indian Penal Code (hereinafter referred to as the said Code), in clause *Fifthly*, for the word "fourteen" the word "sixteen" shall be substituted.

Amendment of section 376, Act XLV of 1860.

3. In section 376 of the said Code, the words beginning with "unless the woman raped" and ending with "or with fine, or with both", shall be omitted.

Insertion of new section 376A in Act XLV of 1860. Illicit married intercourse.

4. After section 376 of the said Code the following section shall be inserted, namely :—

"376A. Whoever has sexual intercourse with his own wife, the wife not being under thirteen years of age and being under fourteen years of age, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Amendment of Schedule II, Act V of 1898.

5. (1) In Schedule II to the Code of Criminal Procedure, 1898, in the entry relating to section 376 of the Indian Penal Code—

V of 1898. XLV of 1860.

(a) the first entry, namely :—

* 376	Rape— If the sexual intercourse was by a man with his own wife not being under 12 years of age.	Shall not arrest without warrant.	Summons.	Ballable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Chief Presidency Magistrate or District Magistrate."

shall be omitted; and

(b) in the second entry for the figures "12" the figures "13" shall be substituted.

(2) In the same Schedule after the entries relating to section 376 the following entry shall be inserted, namely :—

376A	Illicit married intercourse by husband with wife not under 13 and under 14 years of age.	Shall not arrest without warrant.	Summons.	Ballable.	Not compoundable.	Imprisonment of either description for 2 years, or with fine, or both.	Presidency Magistrate or Magistrate of the first class."

STATEMENT OF OBJECTS AND REASONS.

In the last Assembly I had given notice of my intention to introduce a Bill designed to protect married and unmarried girls below the age of 15. Subsequently, the Government introduced a similar Bill affording protection to girls below the ages of 13 and 14 within and outside marital relations. During the course of the discussion on this Bill the Hon'ble the Home Member gave an undertaking in the Assembly to circulate those clauses of my Bill which were not covered by the Government Bill. These clauses provided for a new offence of unlawful intercourse.

I have in this Bill sought to protect married girls between 13 and 14 and unmarried girls below 16, prescribing a smaller penalty in the former case. My object in protecting married girls up to 14 is this—

- (a) It is a fact now sufficiently established that a majority of girls do not attain puberty in this country before that age; and the mere appearance of puberty is not the same thing as the attainment of sufficient physical development to enable them to endure the travails of maternity;
- (b) Premature cohabitation is responsible for the appallingly high death rate in the case of infants before they are even 12 months old; which in several provinces averages 33 per cent;
- (c) It weakens the offspring that survive, weakens the mother and is responsible for the high death rate and low vitality of the people addicted to this evil;
- (d) Early cohabitation is equally detrimental to the married couple; the husband suffers in his education, and so does the wife; while the family has to mourn frequent bereavement and suffers from the illness of its members.

In the case of unmarried girls the last Assembly had no objection to extending the protection to all minors even up to the attainment of their majority.

It is hoped that public opinion is now sufficiently aroused to the evils of early cohabitation and my Bill, if passed, will I hope act as a salutary deterrent upon persons who still remain addicted to a practice highly detrimental to the growth of a healthy and vigorous nation.

H. S. GOUR.

DELHI, the 19th February, 1927.



The Calcutta Gazette

THURSDAY, MARCH 15, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly, and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 1st February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 2 OF 1928.

A Bill further to amend the Indian Merchant Shipping Act, 1923, in order to vest in the Governor General in Council the control of matters covered by that Act.

WHEREAS, by the Devolution Rules, made under section 45A of the Government of India Act, subjects, in relation to the functions of Government, have been classified as central and provincial subjects, for the purpose of distinguishing the functions of Local Governments and the functions of the Governor General in Council;

AND WHEREAS the Indian Merchant Shipping Act, XXI of 1923, relates to matters falling within the scope of subjects classified as central, but vests the control of many of the said matters in Local Governments;

AND WHEREAS it is expedient to vest the control of all such matters in the Governor General in Council;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1928.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Substitution of the Governor General in Council for the Local Governments.

2. In the sections, sub-sections and clauses of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act), which are shown in the first three columns of the Schedule as being amended in accordance with this section, for the words "the Local Government", or "a Local Government", or "any Local Government", as the case may be, wherever they occur, the words "the Governor General in Council" shall be substituted. XXI of 1923.

Substitution of "he" signifying the Governor General in Council for "it" signifying a Local Government.

3. In the sections, sub-sections and clauses of the said Act, which are shown in the first three columns of the Schedule as being amended in accordance with this section, for the word "it" wherever it occurs signifying a Local Government, the word "he" shall be substituted.

Omission of phrases relating to the sanction, approval or control of the Governor General in Council.

4. In the sections, sub-sections and clauses of the said Act, which are shown in the first three columns of the Schedule as being amended in accordance with this section, the words "with the previous sanction of the Governor General in Council", or "and the sanction of the Governor General in Council", or "subject to the control of the Governor General in Council", or "with the previous approval of the Governor General in Council", or "with the approval of the Governor General in Council", as the case may be, shall be omitted.

Substitution of "Gazette of India" for "local official Gazette".

5. In the sections, sub-sections and clauses of the said Act, which are shown in the first three columns of the Schedule as being amended in accordance with this section, for the words "local official Gazette" wherever they occur, the words "Gazette of India" shall be substituted.

Further amendments to be made.

6. In addition to the amendments to be made under sections 2, 3, 4 and 5, the amendments shown in the fourth column of the Schedule shall be made in the sections, sub-sections or clauses of the said Act shown against them in the first two columns of the Schedule.

Insertion of new section 4A in Act XXI of 1923.

7. After section 4 of the said Act, the following section shall be inserted, namely :—

Power of the Governor General in Council to delegate his powers to Local Governments.

"4A. The Governor General in Council may, by notification in the Gazette of India, delegate to any Local Government any or all of his powers under this Act, either absolutely or subject to such conditions or restrictions as he may think fit."

Saving of things done under Act XXI of 1923.

8. Where anything done under the said Act is in force immediately prior to the commencement of this Act, it shall be deemed, as from the commencement of this Act, to have been done under the said Act as hereby amended.

THE SCHEDULE.

(See sections 2, 3, 4, 5 and 6.)

Sections of the said Act to be amended.	Sub-sections or clauses in these sections where the amendments are to be made.	Sections of this Act in accordance with which amendments are to be made.	Further amendments directed to be made by section 6 of this Act.
6	(2)	2	(i) The word "respectively" shall be omitted. (ii) For the words "the control of that Government or" the words "his control or to the control" shall be substituted.
	(3)	2, 3	
7	(1)	2	
9	(1)	2	
15	...	2	
16	...	2, 3	
17	(3)	2	
18	...	2	
19	...	2	
20	...	2	(i) The words "by or under the authority of which his certificate was granted" shall be omitted.
21	...	2, 4	(ii) After the word "him", where it first occurs, the words "under this Act" shall be inserted.
24	(1) & (2)	2	
28	(2), clause (j)	2, 4, 5	
40	(1)	2, 3	For the words "the territories subject to the said Government" and for the words "such territories", the words "British India" shall be substituted.
43	(1)	2	
44	(1)	2	
48	(1)	2	
53	(3)	2	
70	(2)	2	
71	(1)	2	
74	(2)	2, 4	
78	(2)	2	
81	(1)	2, 3, 5	
85	(1)	2	
87	(1)	2, 4, 5	
106	(1)	2	
116	(1), clause (a)	2, 3	
	(1) " (b)	2, 3	
119	(1)	2	
120	(1)	2	
126	...	2, 4, 5	
129	...	2, 3	For the words "within the territories under its administration" the words "in British India" shall be substituted.
131	...	2, 5	
132	...	2	
135	(1)	2	

Sections of the said Act to be amended.	Sub-sections or clauses in these sections where the amendments are to be made.	Sections of this Act in accordance with which amendments are to be made.	Further amendments directed to be made by section 5 of this Act.
136	(1), (3) & (4)	2	
137	(1)	2	
138	Clause (c)	2	
139	...	2, 3	
140	(1)	2, 3	
141	...	...	This section shall be omitted.
143	...	2	
144	(1) (2) (3)	2, 3 2, 3, 5 2	
145	(1)	2, 4	The words "within the territories under its administration" shall be omitted.
147	(2), clause (d) (3)	2, 4	
148	(1)	2, 3, 4	
	(2)	2	
150	(1)	2	
151	(1)	2	
156	...	2	
159	(2)	...	The words "the Local" shall be omitted.
160	(3)	2	For the words "that Government appoints" the words "he may appoint" shall be substituted.
167	(2)	2	
170	(1) & (2)	2	
173	...	2, 3	
178	...	2	
188	(1)	2	For the words "that Government" the word "him" shall be substituted.
191	(1)	...	(i) In clause (i) the word "and" shall be omitted. (ii) After clause (i) the following two clauses shall be inserted, namely :— "(j) the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Part in this behalf ; (k) the time within which the ship or any ship of the class is to depart or proceed on her voyage after commencing to take passengers on board ; and" (iii) clause (j) shall be re-lettered as clause (l).
"	(2)	...	This sub-section shall be omitted.
"	(3)	...	This sub-section shall be renumbered as sub-section (2) ; and for the words "authority making it" the words "Governor General in Council" shall be substituted.
"	(4)	...	This sub-section shall be renumbered as sub-section (3).
203	(1)	2	
206	(1) & (3)	2	
207	(1)	2	
208A	...	2	
209A	(1)	2	
209C	(3)	2	

Sections of the said Act to be amended.	Sub-sections or clauses in these sections where the amendments are to be made.	Section of this Act in accordance with which amendments are to be made.	Further amendments directed to be made by section 6 of this Act.
213	(1)	...	(i) The clauses from (a) to (r) shall be re-lettered serially from (a) to (u); and in clause (u) as so re-lettered [being the present clause (r)] the word "and" shall be omitted. (ii) After clause (u) as so re-lettered, the following two clauses shall be inserted, namely :— "(v) the local limits within which, and the time and mode at and in which, pilgrims shall be embarked or discharged at any port or place appointed under this Part in that behalf ; (u) the time within which a pilgrim ship shall depart or proceed on her voyage after commencing to take pilgrims on board ; and " (iii) clause (s) shall be re-lettered as clause (x).
"	(2)	...	This sub-section shall be omitted.
"	(3)	...	This sub-section shall be re-numbered as sub-section (2) ; and for the words "authority making it" the words "Governor General in Council" shall be substituted.
"	(4)	...	This sub-section shall be re-numbered as sub-section (3).
214	(1)	2	
216	...	2	
218	(2)	2	
	(3)	2, 4	
221	(2)	2	
223	...	2, 4	For the word "its" the word "his" shall be substituted.
224	(1)	2, 4	
228	(1)	2, 4, 5	
229	(4)	2	
232	(1)	2	
"	(1), clause(a)	2, 3	
"	(1), clause(c)	2, 3	(i) For the word "his" the word "the" shall be substituted.
"	(1), clause(e)	2	(ii) For the word "its" the word "his" shall be substituted.
"	(1), clause(f)	2, 3	
"	(1), clause(g)	2	
"	(2) & (3)	2	
235	...	2	
236	...	2	For the words "such Government or officer" where they occur four times, the words "Governor General in Council or the detaining officer" shall be substituted.
238	Clauses (ii) & (iii).	2	
239	(1)	2, 3, 5	
246	(3)	...	For the words "or, when he arrives at a port in British India, to any officer appointed by the Local Government in this behalf at that port", the words "and also to the officer appointed in this behalf by the Governor General in Council" shall be substituted.
247	(1)	...	(i) For the words "Magistrate or any officer appointed by the Local Government in this behalf", the words "such officer" shall be substituted. (ii) For the words "Local Government" where they occur for the second time, the following words shall be substituted, namely :— "Governor General in Council, and also to the Local Government on or near whose coasts the casualty occurred, or within whose territories any witness resides, or evidence can be obtained, as the case may be ; and may proceed to make a preliminary inquiry into the casualty."

Sections of the said Act to be amended.	Sub-sections or clauses in these sections where the amendments are to be made.	Sections of this Act in accordance with which amendments are to be made.	Further amendments directed to be made by section 6 of this Act.
247	(2)	...	The words "Magistrate or" shall be omitted. After sub-section (2) the following sub-section shall be added, namely :— “(3) An officer making a preliminary inquiry under this section shall send a report thereof to the Governor General in Council and shall send a copy thereof to the Local Government.”
248	...	...	For this section the following section shall be substituted, namely :— “248. The officer appointed under sub-section (3) of section 246, whether he had made a preliminary inquiry or not, may, and where the Governor General in Council so directs, shall, make an application to a Court empowered under section 249, requesting it to make a formal investigation into any shipping casualty; and the Court shall thereupon make such investigation.”
249	...	...	For this section the following section shall be substituted, namely :— “249. Magistrates of the first class specially empowered in this behalf by the Local Government, and Courts empowered to make formal investigation. Presidency Magistrates shall have jurisdiction to make formal investigations into shipping casualties under this Part.”
251 253	(1) & (2) ...	2 ...	For the words “shall have—” and clauses (a) and (b), the words “shall have the same powers as are exercisable by that Court in the exercise of its criminal jurisdiction” shall be substituted.
254	(1)	...	For this sub-section, the following sub-section shall be substituted, namely :— “(1) A Court making a formal investigation shall constitute as its assessors not less than two and not more than four persons, of whom one shall be a person conversant with maritime affairs and the others, persons conversant with either maritime or mercantile affairs : Provided that, where the investigation involves, or appears likely to involve, any question as to the cancellation or suspension of the certificate of master, mate or engineer, two of the assessors shall be persons having also experience of the merchant service.” After sub-section (2) the following sub-section shall be added, namely :— “(3) The assessors shall be chosen from a list to be prepared from time to time by the Governor General in Council.”
255 256	(1) ...	2 ...	For the words “the powers of a Magistrate of the first class or of a Presidency Magistrate” the words “its powers as a Criminal Court” shall be substituted.
257	(1)	2	At the end of this sub-section the words “and shall also send a copy thereof to the Local Government”, shall be added.
”	(2)	2	For the word “section” the word “sub-section” shall be substituted.
259	(1)	2, 3 (where the word ‘it’ first occurs.)	For the words “and if it is so empowered by any enactment of a British Indian Legislature for the time being in force, grant under that enactment, but” the word “grant” shall be substituted.
”	(3)	2	
260	(1)	2	For the words “that or any other Local Government” the words “the Governor General in Council” shall be substituted.

Sections of the said Act to be amended.	Sub-sections or clauses in these sections where the amendments are to be made.	Sections of this Act in accordance with which amendments are to be made.	Further amendments directed to be made by section 6 of this Act.
260	(2)	2	For the word "it" the word "him" and for the word "its" the word "his" shall be substituted.
261	...	...	This section shall be omitted.
262	...	...	(i) For the words "Every Local Government cancelling or suspending" the words "When the Governor General in Council cancels or suspends" shall be substituted. (ii) After the word "engineer" the word "he" shall be inserted.
263	(1)	2, 3	
264	(1)	2	
"	(3)	2	For the words "that Government" the word "him" shall be substituted.
"	(5)	2	(i) The figures "261" shall be omitted. (ii) The words "which cancels or suspends a certificate" shall be omitted. (iii) For the words "Local Government to which the Court has forwarded the certificate under sub-section (3), as if such Local Government had itself" the words "Governor General in Council as if he had himself" shall be substituted.
266	(1)	2	In clause (b), for the words "that Local Government" where they occur twice, the word "him" shall be substituted.
267	(1)	3	For the words "Local Government" the words "Governor General in Council or a person duly appointed by him in this behalf" shall be substituted.
"	(2)	...	For the words "Local Government" the words "Governor General in Council or such authorised person" shall be substituted.
268	(2)	2	
"	(4)	2, 5	
269	(1), (5), (6), (7).	2	
270	...	2	
271	(1)	2, 3	For the words "the Port-officer" the words "a person duly appointed by the Governor General in Council in this behalf" shall be substituted.
"	(2)	2	For the word 'its' the word 'his' shall be substituted.
273	(1)	2, 3, 5	
276	...	2	
290	...	2	For the words "the territories administered by such Government, and, subject to the control of the Governor General in Council," the words "British India, and may" shall be substituted.
291	...	2	
294	...	...	The words "or the local official Gazette, as the case may be," shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

The list of central subjects in Schedule I to the Devolution Rules, made under section 45A of the Government of India Act, includes the following :--

- (1) Shipping and navigation ;
- (2) Lighthouses ;
- (3) Port quarantine ; and
- (4) Major ports.

All these subjects are now administered through the agency of the Local Governments, as provided by section 45A (1) (c) of the Government of India Act, and statutory powers in respect of them have hitherto to a large extent been vested in the Local Governments. At a Conference held in Delhi in November 1924, which was attended by representatives of the Local Governments, the Chairmen of the Port Trusts of the major ports, Port Officers and Port Health Officers, as well as by representatives of the Departments of the Government of India concerned, it was considered whether these subjects should continue to be administered through the agency of the Local Governments or should be administered direct by the Governor General in Council. As a result of these discussions, the Government of India decided that (1) shipping and navigation, and (2) lighthouses should be administered direct, and that legislation should be undertaken so as to vest the necessary statutory powers in the Governor General in Council. They also decided that the question of the major ports, about which there was some difference of opinion, should be reconsidered later when experience of the central administration of other subjects had been gained. Port quarantine, which is closely connected with the sanitation of the port generally, will also be dealt with separately.

2. The Indian Lighthouse Act, which was passed in September 1927, provides for the direct administration of lighthouses by the Governor General in Council. The object of the present Bill is to amend the Indian Merchant Shipping Act, 1923, so as to provide for the administration of shipping and navigation by the Governor General in Council direct, instead of through the agency of the Local Governments. The amendments which are specified in the Schedule to the Bill are mainly formal, substituting the words " Governor General in Council " for " Local Government " and making the necessary consequential amendments. Clause 7 of the Bill, however, empowers the Governor General in Council to delegate to any Local Government all or any of his powers under the Act. This provision has been included in the Bill to give the necessary elasticity in administration during the period of transition, and to permit the delegation of powers in matters which, it may be found, can more conveniently continue to be administered through the agency of the Local Governments.

G. RAINY.

The 27th January, 1928.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928:—

LEGISLATIVE ASSEMBLY BILL NO. 5 OF 1928.

A Bill to reserve the Coastal Traffic of India to Indian Vessels.

WHEREAS it is expedient to provide for the rapid development of an Indian Merchant Marine ;

And whereas for this purpose it is expedient to reserve the Coastal Traffic of India to Indian vessels ; It is hereby enacted as follows :—

Short title, extent
and commencement.

1. (1) This Act may be called the Reservation of the Coastal Traffic of India Act, 192 .

(2) It extends to the whole of the Coastal Traffic of British India and of the Continent of India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "A common carrier by water" means a common carrier by water engaged in the cargo and passenger traffic between any two ports in British India, or between any port in British India and any port or place on the Continent of India.

(2) "A subject" means a person and includes a joint stock company, corporation, partnership or association existing under or authorised by the laws of British India.

(3) "Controlling interest" means—

(a) that the title to not less than 75 per cent. of the stock is vested in British Indian subjects free from any trust or fiduciary obligation in favour of any person other than a British Indian subject,

(b) and that in the case of a joint stock company, corporation or association, the Chairman of the Board of Directors and not less than 75 per cent. of the number of members of the Managing firm of and of the Directors of the Board are British Indian subjects,

(c) and that not less than 75 per cent. of the voting power is vested in British Indian subjects,

(d) and that through any contract or understanding it is not arranged that more than 25 per cent. of voting power may be exercised, directly or indirectly, on behalf of any person who is not a British Indian subject,

(e) and that by any other means whatsoever control of any interest in excess of 25 per cent. is not conferred upon or permitted to be exercised by any person who is not a British Indian subject.

(4) "The coasting trade of India" means the carriage by water of goods or passengers between any ports in British India, or between any port in British India and any port or place on the Continent of India.

- License for coasting trade. **3.** No common carrier by water shall engage in the coasting trade of India unless licensed to do so.
- Issue of license. **4.** The license for engaging in the coasting trade of India shall, on applications, be issued by the Governor General in Council, subject to such rules and conditions as may be prescribed in that behalf by the Governor General in Council.
- Security for license. **5.** Before granting a license, the Governor General in Council may require security to be given to his satisfaction by the master, owner, charterer or agent of the vessel for compliance with the conditions of the license.
- Amount of security. **6.** The amount of security required under section 5 shall not exceed Rs. 50,000.
- Duration of license. **7.** Every such license shall be for the duration of three years only.
- Renewal of license. **8.** Every such license shall on its expiry be renewable on application to the Governor General in Council.
- Proportion of tonnage. **9.** A proportion of not less than 20 per cent. of the tonnage licensed for the first year, not less than 40 per cent. of the tonnage licensed for the second year, not less than 60 per cent. of the tonnage licensed for the third year, not less than 80 per cent. of the tonnage licensed for the fourth year and all the tonnage license for the fifth and subsequent years shall have the controlling interest therein vested in British Indian subjects.
- Penalty. **10.** The penalty for the contravention of this Act shall be a fine not exceeding Rs. 10,000, or simple imprisonment for a period not exceeding six months, or both.
- Cancellation of license. **11.** In addition to or in lieu of any penalty otherwise provided, the Governor General in Council may cancel any license for engaging in the coasting trade of India if he is satisfied that a breach of any of the conditions of the license, as may from time to time be prescribed by the Governor General in Council, has been committed.
- Opportunity to show cause. **12.** No license for engaging in the coasting trade of India shall be cancelled, unless an opportunity has been given to the master, owner, charterer or agent of the vessel to show cause against such cancellation.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the employment of Indian tonnage in the coastal traffic of British India and of the Continent of India. This Bill is intended to serve as a powerful aid to the rapid development of an Indian Merchant Marine. Several attempts made in this direction in the past have all practically failed, owing, it is believed, to the existence of powerful non-Indian interests in the coasting trade of India. There can be no doubt that the growth of an Indian Merchant Marine would prove a powerful factor in the employment of Indian talent and the further extension of Indian trade in various directions in a manner calculated to advance the national interests of India.

SARABHAI N. HAJI.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 6 OF 1928.

A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1928.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Substitution of new section for section 24, Act XXI of 1923.

2. For section 24 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act), the following shall be substituted, namely :—

“ 24. (1) Employment Bureau shall be established and maintained, at the ports of Calcutta and Bombay and such other ports as the Governor General in Council may deem necessary, to engage or supply seamen for merchant ships in British India.

(2) For every such Bureau, there shall be a Bureau Officer with such Deputy Bureau Officers, clerks, and servants (if any) as the Governor General in Council may consider necessary.”

Amendment of section 25, Act XXI of 1923.

3. In section 25 of the said Act,—

(i) in sub-section (1), for the words “either holds a licence under this Act for the purpose,” the words “is the Bureau Officer or Deputy Bureau Officer” shall be substituted; and the words “or is *bonâ fide* the servant and in the constant employ of the owner” shall be omitted;

(ii) in sub-section (2), for the words “either holds a licence under this Act for the purpose” the words “is the Bureau Officer or Deputy Bureau Officer” shall be substituted; and the words “or is *bonâ fide* the servant and in the constant employment of the owner” shall be omitted;

(iii) in sub-section (4), for the word “hundred” the word “thousand” shall be substituted; and the words “and, if a licensed person, shall forfeit his licence” shall be omitted.

Amendment of section 26, Act XXI of 1923.

4. In sub-section (2) of section 26 of the said Act, for the words “a fine of fifty rupees” the words “a sentence of rigorous imprisonment which may extend to two years” shall be substituted; and the words “and if a licensed person, shall forfeit his licence” shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

The present system of recruitment of seamen through the licensed brokers and ghat serangs and ghat butlers, which pre-eminently lends itself to extensive practice of bribery and corruption, has been unreservedly condemned by the Seamen's Recruitment Committee, appointed by the Government of India in 1922. The Committee recommended the abolition of the present system and its substitution by the Employment Bureau, organised and maintained, either by the representative associations of shipowners and seamen in co-operation or by the State, as suggested in the draft convention for establishing facilities for finding employment for seamen, framed and adopted by the General Conference of the International Labour Organization of the League of Nations, in its session at Geneva in June 1920. This Bill is intended to give effect to the unanimous recommendation of the Committee for the establishment of the Employment Bureau by the State and the abolition of the system of recruitment through the licensed brokers, ghat serangs and ghat butlers. The penal provisions with regard to the receipt of unauthorised remunerations for securing employment for seamen have been further stiffened in accordance with the recommendations of the Committee.

The 1st July, 1927.

ABDUL MATIN CHAUDHURY.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 4 OF 1928.

A Bill further to amend the Indian Limitation Act, 1908, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Limitation Act, 1908, for a certain purpose; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Indian Limitation (Amendment) Act, 1928.

(2) It extends to the whole of British India.

Amendment of Schedule I to Act IX of 1908.

2. In the First Schedule to the Indian Limitation Act, 1908,—

(1) Article No. 44 shall be omitted; and

(2) After Article No. 126, the following article shall be inserted, namely,

Description of suit.	Period of limitation.	Time from which period begins to run.
" 126 A.—By a ward who has attained majority to set aside a transfer of property by his guardian.	Twelve years	When the alienee takes possession of the property."

STATEMENT OF OBJECTS AND REASONS.

Article 44 of the Indian Limitation Act, 1908, provides a three years' period of limitation for a ward to seek to set aside a transfer of property made by his guardian, and the period begins to run from the time the ward attains majority. It has been held by the Law Courts that this Article governs the case of the cancellation of transfer of property by a mother as guardian. On the other hand, Article 126 provides a limitation period of twelve years for a Hindu, governed by the law of *Mitakshara*, to set aside his father's alienation of ancestral property, the limitation period beginning to run from the time the alienee takes possession of the property. But it will be seen that in both the cases, the limitation period should be the same. Indeed it will often be found that transactions of transfer of property made by mothers are more imprudent than those made by fathers. At any rate in the case of mothers, there is greater opportunity for transfers of property being the result of fraud, misrepresentation, imprudence and ignorance. Consequently wards would be entitled to get the benefit of at least as large a period of limitation in this case as in the case of transfers by their fathers. The reasoning, I think, applies equally to all the communities, and it would be quite an appropriate provision from the point of view of minor's interests, to fix a uniform period of limitation in all such cases, namely, a period of twelve years. The proposed deletion of Article 44 and the enactment of the new Article 126A will, I think, meet the needs of the case.

N. C. KELKAR.

The 4th December, 1927.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 6th February, 1928 :—

COUNCIL OF STATE BILL NO. 4 OF 1928.

*A Bill further to amend the Chittagong Port Act, 1914,
for certain purposes.*

WHEREAS it is expedient further to amend the Chittagong Port Act, 1914, in order to transfer to the Governor General in Council certain powers conferred therein on the Local Government, and in order to reconstitute the body of Commissioners incorporated to administer the port ; It is hereby enacted as follows :—

Ben. Act V
of 1914.

Short title and
commencement.

1. (1) This Act may be called the Chittagong Port (Amendment) Act, 1928.

(2) It shall come into force on the 1st day of April, 1928.

Substitution of
"Governor General
in Council" for
"Local Govern-
ment" in certain
sections on Ben.
Act V of 1914.

2. In sub-section (1) of section 5, section 9, clause (c) of section 12, section 14, sub-section (1) of section 15, section 17, clause (f) of section 25, sub-section (3) of section 28, clause (ii) of section 30, sub-section (3) of section 33, sub-section (2) of section 35, sub-section (3) of section 37, sub-section (2) of section 39, the proviso to section 41, sub-section (1) of section 43, section 44, sub-section (1) of section 45, section 49, the second paragraph of section 51, sub-section (2) of section 57, sub-sections (1) and (3) of section 58, section 59, the proviso to section 69, sub-section (3) of section 78, sub-section (1) of section 82 and the proviso thereto, section 83 and the proviso thereto, clause (8) of section 84, sub-section (1) of section 86, sub-sections (1), (2), (3) and (4) of section 87, sub-section (2) of section 88, section 89 and the proviso thereto, sections 91, 92 and 93, sub-section (1) of section 94, sections 95 and 96, sub-sections (1), (2) and (3) of section 97, sub-sections (1) and (2) of section 98 and the proviso to the latter sub-section, sections 99 and 100, and sub-section (1) of section 101 of the Chittagong Port Act, 1914 (hereinafter referred to as the said Act), for the words "Local Government", wherever they occur, the words "Governor General in Council" shall be substituted.

Ben. Act V
of 1914.

Substitution of
"Gazette of India"
for "Calcutta
Gazette" in certain
sections of Ben.
Act V of 1914.

3. In section 19, sub-section (1) of section 43, section 44, sub-section (1) of section 45, section 46, sub-section (2) of section 57, sub-section (5) of section 58, and sub-section (4) of section 87 of the said Act, for the words "Calcutta Gazette" the words "Gazette of India" shall be substituted.

Substitution of new
section for section 7,
Ben. Act V of 1914.

4. For section 7 of the said Act, the following section shall be substituted, namely :—

Composition
of the
body corporate.

"7. There shall be twelve Commissioners, as follows :—

- (a) the Chairman,
- (b) the Collector of Chittagong District, *ex officio*.
- (c) the Customs-Collector of the port, *ex officio*.
- (d) one Commissioner appointed by the Governor General in Council,
- (e) one Commissioner appointed by the administration of the Assam-Bengal Railway,
- (f) three Commissioners elected by the Chamber of Commerce at Chittagong,
- (g) three Commissioners elected by the Chittagong Indian Merchants' Association, or by such body or bodies or firms as the Governor General in Council may, from time to time, select as best representing the interests of the Indian mercantile community at Chittagong, and
- (h) one Commissioner elected by the municipal commissioners of Chittagong."

Substitution
of new
section for
section 8,
Ben. Act V of
1914.
Mode of election.

5. For section 8 of the said Act, the following section shall be substituted, namely :—

“ 8. The election of Commissioners shall be made in such manner as may be determined by the electing bodies in each case, subject to the approval of the Governor General in Council.”

Amendment of
section 9, Ben.
Act V of 1914.

6. In section 9 of the said Act, for the figure “ 8 ” the figure “ 7 ” shall be substituted.

Substitution of
new section for
section 10, Ben.
Act V of 1914.

7. For section 10 of the said Act, the following section shall be substituted, namely :—

Appointment of
Chairman and
Vice-Chairman.

“ 10. (1) The Chairman shall be appointed by the Governor General in Council.

(2) The Vice-Chairman shall be elected by the Commissioners from amongst themselves, at a special meeting called for the purpose, and his appointment shall be subject to the approval of the Governor General in Council.”

Substitution of
new section for
section 11,
Ben. Act V of
1914.
Tenure of
office.

8. For section 11 of the said Act, the following section shall be substituted, namely :—

“ 11. (1) The Chairman shall hold office until the Governor General in Council accepts his resignation or cancels his appointment.

(2) The Vice-Chairman shall hold office during the term of office of the elected Commissioners who took part in his election, or until the Governor General in Council accepts his resignation, or until the Commissioners, at a special meeting called for the purpose and with the approval of the Governor General in Council, remove him from office.

(3) A Commissioner appointed under clause (d) or clause (e) of section 7 shall hold office until he resigns, or until the authority appointing him cancels his appointment.

(4) An elected Commissioner shall, subject to the provisions of this Act, hold office for a term of two years or thereafter until his successor shall have been duly elected, and may, on the expiration of his term of office, be re-elected ; but the Governor General in Council may, at any time, accept the resignation of any such Commissioner.”

Amendment of
sections 14 and 15,
Ben. Act V of 1914.

9. In section 14 and sub-section (1) of section 15 of the said Act, for the word “ think ” the word “ thinks ” shall be substituted.

Amendment of
section 16, Ben.
Act V of 1914.

10. In section 16 of the said Act,—

(a) for the figure “ 3 ”, the figure “ 4 ” shall be substituted ;

(b) after the words “ filled up ”, the words “ by election ” shall be inserted ;

(c) the words “ by election or appointment, as the case may be,” shall be omitted ; and

(d) the words “ or appointed ” shall be omitted.

Substitution of new
section for sec-
tion 18, Ben. Act V
of 1914.

11. For section 18 of the said Act, the following section shall be substituted, namely :—

Leave of absence
of Chairman.

“ 18. The Governor General in Council may grant leave of absence to the Chairman, and may appoint a person to officiate for him during his absence on leave. Any person so appointed shall be deemed to be the Chairman for the purposes of this Act.”

Omission of section 23, Ben. Act V of 1914

12. Section 23 of the said Act shall be omitted.

Amendment of section 25, Ben. Act V of 1914.

13. In clause (a) of section 25 of the said Act, for the word "four" the word "five" shall be substituted.

Amendment of section 38, Ben. Act V of 1914.

14. In clause (i) of section 38 of the said Act, before the words "by notification", the words "with the previous sanction of the Governor General in Council and" shall be inserted.

Amendment of section 51, Ben. Act V of 1914.

15. In section 51 of the said Act,—

(a) for the words "when the Local Government appoint," the word "Where," shall be substituted; and

(b) before the words "to be a dock" the words "is appointed" shall be inserted.

Amendment of sections 61, 63 and 66, Ben. Act V of 1914.

16. In sub-section (2) of section 61, sub-section (1) of section 63 and in section 66 of the said Act, for the words "Collector of Customs", wherever they occur, the word "Customs-Collector" shall be substituted.

Substitution of new section for section 71, Ben. Act V of 1914.

17. For section 71 of the said Act, the following section shall be substituted, namely:—

Resumption of property by Government.

"71. (1) If any portion of land specified in Part I of the Third Schedule, or which may have been transferred by the Local Government to the Commissioners after the 1st day of July, 1914, or which may hereafter be so transferred, otherwise than in exchange for its market value, is required by the Local Government for a public purpose, it may be resumed by that Government, with the previous sanction of the Governor General in Council, without claim to compensation on the part of the Commissioners, except—

(a) for the amount of any consideration or other payment made in respect of the transfer to the Commissioners of the land to be resumed,

(b) for the cost of improvements to the land to be resumed, effected by the Port Commissioners or their lessees subsequent to the transfer, and

(c) for the cost of buildings and other permanent structures on the land to be resumed, erected by the Commissioners or their lessees, subsequent to the transfer:

Provided that—

(i) the compensation to be awarded under clause (b) shall not in any case exceed the market value of the land to be resumed at the time of the resumption; and

(ii) the compensation to be awarded under clause (c) shall be either the original cost of the building or structure or the market value thereof at the time of the resumption, whichever is less.

(2) If any question arises between the Commissioners and the Local Government as to the boundaries of any portion of land specified in Part I of the Third Schedule, or which may have been transferred by the Local Government to the Commissioners, after the 1st day of July, 1914, or which may hereafter be so transferred, otherwise than in exchange for its market value, the Local Government may define and demarcate such boundaries, and submit the case for the orders of the Governor General in Council, whose decision shall be final.

(3) If any question arises as to the adequacy of the compensation proposed to be paid under clause (a), clause (b) or clause (c) of sub-section (1), the Local Government shall submit a report to the Governor General in Council, whose decision shall be final.

(4) If any question arises as to the necessity of the resumption of any land under this section, or as to the relative importance of such land to the Local Government and to the Commissioners, the Local Government shall submit a statement of the case to the Governor General in Council, whose decision shall be final."

Amendment of
section 74, Ben. Act
V of 1914.

18. In section 74 of the said Act,—

(a) for the words "after notification in the *Calcutta Gazette*" the words "with the previous sanction of the Governor General in Council and after notification in the Gazette of India" shall be substituted; and

(b) the provisos shall be omitted.

Amendment of
section 84,
Ben. Act V of
1914.

19. In section 84 of the said Act,—

(a) in sub-section (2), for the words "the Local Government", where they occur in two places, the word "Government" shall be substituted;

(b) in sub-section (4), for the words "the Local Government may, from time to time, require" the words "may be required" shall be substituted; and

(c) in sub-section (5), for the words "Local Government", where they occur for the second time, the words "Governor General in Council" shall be substituted.

Amendment of
section 85,
Ben. Act V of
1914.

20. In section 85 of the said Act, for the words "Local Government may from time to time require as their" the words "Governor General in Council and the Local Government may, from time to time, agree upon as a reasonable" shall be substituted.

Amendment of
section 87,
Ben. Act V of
1914.

21. In sub-section (1) of section 87 of the said Act, for the words "they think" the words "he thinks" shall be substituted.

Amendment of
section 101,
Ben. Act V of
1914.

22. In section 101 of the said Act,—

(a) in sub-section (1), for the word "are," where it first occurs, the word "is" shall be substituted.

(b) in sub-section (2),—

(i) for the words "Local Government", where they occur for the first time, the words "Governor General in Council" shall be substituted;

(ii) for the word "their" the word "his" shall be substituted; and

(iii) for the words "the Local Government", where they occur for the second time, the word "Government" shall be substituted.

Saving of acts
done under
Ben. Act V of
1914.

23. When anything done under the said Act is in force immediately prior to the commencement of this Act, it shall be deemed, as from the commencement of this Act, to have been done under the said Act as hereby amended.

STATEMENT OF OBJECTS AND REASONS.

The Port of Chittagong is at present a minor port and is, therefore, a provincial subject under item 30 of Part II of Schedule I to the Devolution Rules made under section 45-A of the Government of India Act. Of recent years, however, trade has considerably expanded, and a loan of Rs. 50 lakhs has been sanctioned for improving the river approaches. The port is the outlet to the sea of the Province of Assam, and it is considered desirable that its future development should be co-ordinated with the development of the Assam Bengal Railway. At the request of the Government of Bengal and with the concurrence of local interests, the Government of India propose that the port should be declared to be a major port under item 9 of Part I of Schedule I to the Devolution Rules, and that the statutory control of its administration should be transferred from the Local Government to the Governor General in Council. At the same time, the opportunity is being taken to reconstitute the Board of Commissioners for the port so as to give more effective representation to local interests.

The 3rd February, 1928.

G. L. CORBETT.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 14th February, 1928 :—

COUNCIL OF STATE BILL NO. 5 OF 1928.

A Bill further to amend the Indian Securities Act, 1920, for certain purpose.

WHEREAS it is expedient further to amend the Indian X of 1920. Securities Act, 1920, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Securities (Amendment) Act, 1928.

Amendment of section 4, Act X of 1920.

2. To section 4 of the Indian Securities Act, 1920, the X of 1920. following sub-section shall be added, namely :—

“(4) For the purposes of this section, a body incorporated under the Indian Companies Act, 1913, VII of 1913. or the Co-operative Societies Act, 1912, or any other enactment for the time being in force II of 1912. whether within or without British India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.”

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable a company to hold Government securities jointly with a private individual or another corporate body and to empower Government to pay the amount of the security to the surviving joint holder in any case that may arise.

Section 4 (1) (a) of the Indian Securities Act, 1920, lays down that when a Government security is payable to two or more persons jointly, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons. Though by virtue of section 3 (39) of the General Clauses Act, 1897, ‘person’ includes a company or association or body of individuals, whether incorporated or not, this definition has been held to be repugnant to section 4 (1) of the Indian Securities Act, as a corporation or association may be dissolved but cannot die and there can, therefore, be no survivorship as contemplated in the latter section. Thus the law as it stands precludes the possibility of a Government promissory note being held by a corporate body jointly with an individual or with another corporate body. The position as regards joint ownership of this nature was the same in England before the passing of the Bodies Corporate (Joint Tenancy) Act, 1899.

In accordance with the above view of the law, Government and the Public Debt Offices have been treating as invalid all endorsements on Government promissory notes in favour of a company jointly with an individual. The Public Debt Office, Bombay, has been addressed on more than one occasion by corporate bodies regarding the admissibility of joint ownership of Government securities on the lines recognised by the law in England, and the Controller of the Currency has reported that instances of such endorsements are coming to his notice and that he has been compelled to treat them as invalid. The Bill proposes to remove this technical difficulty by an amendment of section 4 of the Indian Securities Act, 1920.

The 10th February, 1928.

E. BURDON.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, MARCH 22, 1928.

PART VI.

**Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly, and Bills published under Rule 18 of the Indian
Legislative Rules.**

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A Bill to regulate and improve the Law Reports.

WHEREAS it is expedient to diminish the multitude and expenses of the Law Reports published in India and to improve their quality and to regulate their publications; It is hereby enacted as follows:—

Short title, extent
and commencement.

1. (1) This Act may be called the Indian Law Reports Act, 192 .

(2) It extends to the whole of British India.

(3) It shall come into force on the.....

Definition.

2. "Authorised reports" means and includes reports of law cases published by, or under the authority of, the Government of India, or any Provincial Government, or the Court deciding the cases reported, or a Bar Council.

Authority given to
only authorised
reports.

3. No Court shall allow to be cited, or itself refer to, the report of any case decided after the coming into force of this Act other than a report published in the authorised reports.

Authority of
judicial decisions.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

• Repeal.

5. The Indian Law Reports Act, 1875, is hereby ^{XVIII of} repealed. 1875.

STATEMENT OF OBJECTS AND REASONS.

The ever increasing number of Law Reports in India stands in need of check and proper regulation. All sorts of law journals and reports, good, bad and indifferent, are issued from different places. Mostly the same rulings are sooner or later published in different publications. Sometimes rulings which have ceased to be operative by the force of a subsequent ruling or change of law are published to swell the volume of reports, or to bring them up to the stipulated number of pages. With the same object numerous pages dealing with mere facts which have no bearing on the legal aspect of the case are also published. Sometimes rulings published in one journal are published in another after several months, thus causing confusion and embarrassment. The number and volume of Law Reports is becoming simply scandalous and requires check and regulation.

The 15th November 1926.

MUHAMMAD YAKUB.



The Calcutta Gazette

THURSDAY, MARCH 29, 1928.

PART VI.

**Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.**

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 1st February, 1928 :—

COUNCIL OF STATE BILL NO. 1 OF 1928.

A Bill further to amend the Indian Territorial Force Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Indian Territorial Force Act, 1920, for the purposes hereinafter appearing ; it is hereby enacted as follows :—

XLVIII of
1920.

Short title and
commencement.

1. (1) This Act may be called the Indian Territorial Force (Amendment) Act, 1928.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of
section 2, Act
XLVIII of 1920.

2. In section 2 of the Indian Territorial Force Act, 1920 (hereinafter referred to as the said Act),—

XLVIII of
1920.

(a) the definition of "Advisory Committee" shall be omitted ;

(b) between the definitions of "European British subject" and "prescribed" the following definitions shall be inserted namely :—

" 'non-commissioned officer' means a person holding non-commissioned rank in the Indian Territorial Force, and includes an acting non-commissioned officer ;
'officer' means a senior officer or a junior officer ;"
and

(c) the definition of "University Corps" shall be omitted.

Amendment of
section 4, Act
XLVIII of 1920

3. In section 4 of the said Act,—

- (a) after the word “more,” the word “provincial” shall be inserted ;
- (b) after the word “disband” the words “ or re-constitute ” shall be inserted ; and
- (c) section 4, as so amended, shall be renumbered as sub-section (1), and the following sub-sections shall be added, namely :—

“(2) The Governor General in Council may constitute for any town or group of towns in a Province one or more urban corps or units of the Indian Territorial Force, to be recruited from persons residing in or near such town or towns, and may disband or reconstitute any corps or unit so constituted.

(3) The Governor General in Council may constitute for any Province a University Corps consisting of one or more units of the Territorial Force, for the appointment thereto of students of, and other persons connected with, a University established by law in British India, or colleges affiliated to such a University, and may disband or reconstitute any unit so constituted.”

Insertion of new
section 4A in Act
XLVIII of 1920.

Classes of officers.

4. After section 4 of the said Act, the following section shall be inserted, namely :—

“4A. (1) There shall be the following classes of officers in the Indian Territorial Force, namely :—

- (a) senior officers, holding commissions granted by the Governor General in the name of His Majesty, with British designation of rank, and
- (b) junior officers, holding commissions granted by the Governor General, with Indian designation of rank.

(2) An officer shall be deemed to be enrolled in the Indian Territorial Force for so long as he holds a commission in that Force.”

Amendment of
section 5, Act
XLVIII of 1920.

5. In sub-section (1) of section 5 of the said Act,—

- (a) the words and brackets “(not being a European British subject)” shall be omitted ; and
- (b) the following proviso shall be added, namely :—

“Provided that no European British subject shall be enrolled in any corps or unit of the Indian Territorial Force other than a University Corps.”

Amendment of
sections 5, 6 and 7,
Act XLVIII of
1920.

6. (1) In sub-section (2) of section 5, in sub-section (1) of section 6, and in sub-section (2) of section 7 of the said Act, after the word “Province”, the words “or town or group of towns” shall be inserted.

(2) in sub-section (2) of section 7 of the said Act, the words “or of a person enrolled in an urban corps or unit to a provincial corps or unit” shall be added at the end.

Insertion of new
section 7A in Act
XLVIII of 1920.
Change of residence.

7. After section 7 of the said Act, the following section shall be inserted, namely :—

“7A. (1) Any enrolled person who leaves his place of residence for the time being and thereby leaves the Province in which the corps or unit in which he is serving is constituted shall, if he does not intend to return to that Province, notify the prescribed authority in that Province of his change of residence.

(2) If such person having intended to return does not return within three months, he shall notify the prescribed authority as aforesaid immediately on the expiry of that period.

(3) The prescribed authority on being notified of a change of residence under sub-section (1) or sub-section (2) may, subject to the provisions of section 7, transfer such person from the corps or unit in which he is serving to another corps or unit."

Amendment of section 9, Act XLVIII of 1920.

8. In sub-section (2) of section 9 of the said Act, the following proviso shall be added, namely :—

"Provided that nothing in this sub-section shall apply to persons enrolled in a University Corps."

Amendment of section 10, Act XLVIII of 1920.

9. In sub-section (1) of section 10 of the said Act, the following words shall be added at the end, namely :—

"and no person for the time being serving in an urban corps or unit shall at any time be required to perform military service beyond the limits of the Province in which the corps or unit in which he is serving is located, save when it is, in the opinion of the senior military officer present, necessary to proceed beyond those limits in the course of the military operations upon which the corps or unit or any portion thereof is for the time being engaged."

Substitution of new section for section 11, Act XLVIII of 1920.

10. For section 11 of the said Act, the following section shall be substituted, namely :—

Application of the Army Act and of the Indian Army Act, 1911.

"11. (1) Every senior officer of the Indian Territorial Force when doing duty as such officer, shall be subject to the Army Act, and any orders or regulations made thereunder, whereupon the said Act, orders and regulations shall apply to him as if he held the same rank in His Majesty's Army as he holds for the time being in the said Force, subject to the terms of his commission and the orders of His Majesty.

44 and 45
Vict., C. 58.

(2) Every junior officer of the Indian Territorial Force, when doing duty as such officer, shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in His Majesty's Indian Forces as he holds for the time being in the said Force, subject to the terms of his commission and the orders of the Governor General.

VIII of
1911.

(3) Every non-commissioned officer and man of the Indian Territorial Force,—

(a) when called out or embodied for military service under section 9,

(b) when attached to, or otherwise acting as part of, or with, any regular force, or

(c) when embodied for, or otherwise undergoing, military training in the prescribed manner,

shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in His Majesty's Indian Forces as he holds for the time being in the said Force, subject to the orders of the Governor General:

VIII of
1911.

Provided that the said Act, rules and regulations shall, in their application to such non-commissioned officers and men when embodied for or otherwise undergoing military training, be modified to such extent and in such manner as may be prescribed:

Provided further that non-commissioned officers and men of an urban corps or unit, when undergoing military training without having been embodied for that purpose, and non-commissioned officers and men of a University Corps when undergoing training, shall, in respect of such training, be subject only to such disciplinary and other rules as may be prescribed.

(4) Where an offence punishable under the Indian Army Act, 1911, or, as the case may be, under that Act as modified under sub-section (3), has been committed by any person whilst subject to that Act under the provisions of this section, such person may be taken into and kept in military custody and tried and punished for such offence although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished, if he had continued to be so subject :

Provided that no such person shall be kept in military custody after he has ceased to belong to the Indian Territorial Force, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong ; nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial has already commenced before such expiry."

Insertion of new sections 11A and 11B in Act XLVIII of 1920.

11. After section 11 of the said Act, the following sections shall be inserted, namely :—

Summary trial and punishments.

"11A. In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Indian Army Act, 1911, a junior officer, non-commissioned officer or man of the Indian Territorial Force not being a member of a University Corps, may be punished, either by a Criminal Court or summarily by order of the prescribed authority, for any offence under that Act, or for the contravention of any rule or regulation under this Act, with fine which may extend to fifty rupees, to be recovered in such manner and by such authority as may be prescribed :—

Provided that no fine shall be summarily inflicted by order of the prescribed authority in any case in which the accused claims to be tried by a Criminal Court :

Provided further that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence made punishable by or under this Act.

Presumption as to certain documents.

11B. Where a junior officer, non-commissioned officer or man of the Indian Territorial Force is required, by or in pursuance of any rule, regulation or order made under this Act, to attend at any place, a certificate purporting to be signed by the prescribed officer, stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein."

Substitution of new section for section 12, Act XLVIII of 1920.

12. For section 12 of the said Act, the following section shall be substituted, namely :—

Advisory Committees.

"12. (1) The Local Government of each Province in which any unit or units of the Indian Territorial Force has or have been constituted shall constitute a Provincial Advisory Committee for all such units, and a Unit Advisory Committee for each of such units.

(2) The constitution, powers and procedure of the Advisory Committees shall be such as may be prescribed."

Amendment of section 13, Act XLVIII of 1920.

13. In clause (b) of sub-section (2) of section 13 of the said Act, after the word and figure "section 7" the words figure and, letter "or section 7A" shall be added.

STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to give effect to the recommendations of the Auxiliary and Territorial Force Committee in so far as they involve amendments of the existing Indian Territorial Force Act, 1920. The report of that Committee recommends the formation of two different kinds of units in the Indian Territorial Force (apart from University Training Corps), namely :—

- (a) the provincial unit, which will be recruited from all classes of men in a province, will have a comparatively extended annual period of training, will be recognised as the main part of a second line of the regular Indian Army, and will be liable for military service both within and without the borders of India ; and
- (b) the urban unit, which will be recruited from the educated classes of the large towns, will have conditions of training similar to those of the Auxiliary Force, will also be regarded as part of the second line to the regular Indian Army, and will have the same liability for military service as the provincial units.

The Bill embodies and carries out these recommendations, with one exception, namely, that it is proposed that the liability for military service of the urban units should be confined to the province for which they are constituted. It also embodies the recommendation that officers in the Indian Territorial Force should be classified into those of "British rank" and those of "Indian rank", as in the Indian Army.

As suggested by the Committee, the provisions of the Auxiliary Force Act, and those of the Indian Territorial Force Act relating to urban units, are being assimilated, as far as is practicable and without unnecessary changes of mere drafting.

NOTES ON CLAUSES.

Clause 2.—The definition of "University Corps" has been transferred in substance from section 2 to section 4. (*See* clause 3.)

Clause 3.—This clause provides separately for the constitution of each of the three proposed branches of the Indian Territorial Force, namely, provincial units, urban units, and University Training Corps.

Clause 4.—The junior officers mentioned in this clause will correspond to the present ranks of Indian Officers in the regular Indian Army, namely, Subadars, Jemadars, etc. The senior officers will correspond to the British Officers of the Indian Army, namely, Lieutenants, Captains, etc.

Clause 5.—The amendment which permits any member of a University or College, who is a British subject, to be enrolled in the University Training Corps follows the specific recommendation of the Committee to that effect.

Clause 7.—This is adapted from section 16 of the Auxiliary Force Act, and is intended not merely to assimilate the two Acts, but also to secure that the units of the Indian Territorial Force shall be up to their recorded strength in time of disturbance.

Clause 9.—The object of this addition to section 10 is to secure that a military movement actually in progress shall not be interfered with by reason of a cessation of the liability of the men occurring at the border of a province.

Clause 10.—This important clause provides for the discipline to which the officers and men of the Indian Territorial Force shall be subject in the performance of their duties at various times. The general scheme is that senior officers shall at all times be subject to the Army Act (44 & 45 Vict., c. 58) while performing their duties as officers, that the junior officers shall similarly be subject to the Indian Army Act, 1911 (VIII of 1911), and that non-commissioned officers and men shall be subject to the Indian Army Act, 1911, when mobilised or attached to the regular troops, but shall be subject to less stringent discipline while undergoing training only. The discipline of the Indian Territorial Force, when mobilised, will in all respects be the same as that of the Indian Army.

In sub-sections (1) and (2) of the proposed section 11, the phrase "subject to the terms of his commission and the orders of His Majesty", and in sub-section (3) the phrase "subject to the orders of the Governor General" allow provision to be made for the numerous points of detail which may arise in the relations between officers and non-commissioned officers of the Indian Territorial Force and officers and non-commissioned officers of the regular army when acting together.

Clause 11.—This clause is intended to avoid the necessity for a court-martial for the trial of a petty transgression, and it gives the accused an option of being tried by the prescribed authority (usually his own Commanding Officer) or a Criminal Court not below the rank of a first class Magistrate.

Clause 12.—This important clause outlines a scheme of Advisory Committees whereunder there will be a Provincial Advisory Committee for all the units in each province, and an Unit Advisory Committee for each unit of the Territorial Force within that province. The policy underlying the section is that the powers and duties of Advisory Committees should be expanded as these Committees gain experience and confidence, and as the ways in which they can be usefully employed become known.

W. R. BIRDWOOD.

The 26th January, 1928.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 1st February 1928 :—

COUNCIL OF STATE BILL NO. 2 OF 1928.

A Bill further to amend the Auxiliary Force Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Auxiliary Force Act, 1920, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Auxiliary Force (Amendment) Act, 1928.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 4, Act XLIX of 1920.

2. In section 4 of the Auxiliary Force Act, 1920 (hereinafter referred to as the said Act), clause (b) shall be omitted.

Amendment of section 17, Act XLIX of 1920.

3. In section 17 of the said Act,—

(a) in sub-section (2) for the word "may" the word "shall" shall be substituted ; and

(b) the following sub-section shall be added, namely :—

"(3) Any enrolled person may be discharged by such authority, and subject to such conditions, as may be prescribed.

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), no enrolled person, who is for the time being engaged in military service under the provisions of this Act, shall be entitled to receive his discharge before the termination of such service."

Amendment of section 21, Act XLIX of 1920.

4. In sub-section (1) of section 21 of the said Act, the words "subject, in the case of an officer, to the terms of his commission and the orders of His Majesty, and, in the case of a non-commissioned officer or man, to the orders of the Governor General" shall be added at the end.

Insertion of new section 27A in Act XLIX of 1920.

5. After section 27 of the said Act, the following section shall be inserted, namely :—

Presumption as to certain documents.

"27A. Where any non-commissioned officer or man of the Auxiliary Force is required, by or in pursuance of any rule, regulation or order made under this Act, to attend at any place, a certificate purporting to be signed by the prescribed officer stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein."

STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to give effect to the recommendations of the Auxiliary and Territorial Forces Committee, 1925, in so far as they require legislation and affect the Auxiliary Force, with the exception of the recommendation that the Auxiliary Force should be liable for general military service within and without the borders of India.

The amendments for the most part are designed to assimilate, as far as practicable, the substance of the Auxiliary Force Act to the provisions of the Indian Territorial Force Act as proposed to be amended, in so far as the latter relates to urban units of the Indian Territorial Force.

NOTES ON CLAUSES.

Clause 2.—The omission of clause (b) of section 4 is designed to secure that in future persons eligible for enrolment under the Indian Territorial Force Act shall enrol under that Act, and not under the Auxiliary Force Act. The operation of section 6, clause (c), of the General Clauses Act, 1897, will preserve the rights and liabilities of existing members of the Auxiliary Force.

Clause 3.—These provisions are reproduced from corresponding provisions in the Indian Territorial Force Act and fill in a blank in the existing Act.

Clause 4.—This amendment allows for provision to be made regulating the relations between officers and non-commissioned officers of the Auxiliary Force and officers and non-commissioned officers of the Regular Army when they are acting together.

Clause 5.—This is reproduced from the Indian Territorial Force (Amendment) Bill and is intended to avoid unnecessary delays in trials and to save waste of time and money.

The 26th January, 1928.

W. R. BIRDWOOD.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 3 OF 1928.

A Bill further to amend the Special Marriage Act, 1872.

WHEREAS it is expedient further to amend the Special III of 1872. Marriage Act, 1872 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Special Marriage (Amendment) Act, 192 .

Amendment of
preamble to Act III
of 1872.

2. In the preamble to the Special Marriage Act, 1872 (here- III of 1872
inafter referred to as the said Act),—

- (i) after the words "a form of" the word "civil" shall be inserted ;
- (ii) after the words "for persons" the words "domiciled in British India" shall be inserted ; and
- (iii) the words "who do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion" shall be omitted.

Amendment of
section 2, Act III
of 1872.

3. In section 2 of the said Act,—

- (i) the words "neither of whom professes the Christian or the Jewish, or the Hindu or the Muhammadan, or the Parsi or the Buddhist, or the Sikh or the Jaina religion" shall be omitted ; and
- (ii) after the words "between persons" the words "domiciled in British India" shall be inserted.

Amendment of
clause 2, Second
Schedule to Act III
of 1872.

4. In the Second Schedule to the said Act, for clause 2 in the Declarations to be made by the bridegroom and the bride, respectively, the following shall be substituted, namely :—"I am domiciled in British India."

STATEMENT OF OBJECTS AND REASONS.

The laws of all civilised countries provide for the contract of civil marriage by persons who may so desire. The disability to contract such marriages in India is merely territorial and there is no reason why a similar law should not be enacted for this country. The enactment, if passed, would be merely optional and leaves intact the existing personal laws which control the performance of marriages.

The reasons which have induced us to draft this Bill are as follows :—

Sir Henry Maine as Law Member of the Governor General's Council had introduced a Civil Marriage Bill ; but, as the Government were then immediately concerned with an enactment to prescribe a civil form of marriage applicable only to Brahmos by whom they were moved for the enactment of a secular law to enable them to contract marriages, its provisions were so limited in the Bill which became Act III of 1872.

In 1909, the late Mr. Bhupendra Nath Basu and later on one of us had also introduced a similar Bill, but its provisions were eventually transformed into those of Act XXX of 1923.

The Baroda State have recently introduced a Civil Marriage Bill ; while the Laws of other Indian States are understood to provide for the performance of such marriages. The advantages of the measure, if enacted, are obvious. The Bill would enable persons subject to polygamous marriage laws to contract monogamous marriages and remove the inequality in the matter of divorce. It would elevate the status of women. These benefits have already been assured to the Hindus, Buddhists, Sikhs and Jains by Act XXX of 1923, and there is no reason why the benefit that that Act confers upon the communities named should not be extended to other communities who might as regards succession be equally brought under the law enacted in the Indian Succession Act. A provision to this effect has not been inserted in the Bill, but it can be added at a later stage if public opinion favours it. The absence of a civil marriage law lends itself to perjury and

artificial conversions which it is the policy of the State to prevent. It was so observed by Sir Henry Maine who advocated the establishment of a non-sectarian marriage law in order to prevent the abuse resulting from such conversions (Proceedings Imperial Council, dated 27th November 1868, pp. 498, 499).

To sum up then the advantages of such marriages are as follows:—

1. Such marriages are recognised and provided for by the laws of all civilized countries, and it is possible to contract such marriages outside the territorial limits of India. The disability is, therefore, purely territorial, and patriotic Indians are naturally anxious to remove all such disabilities from their way.
2. The Bill is monogamous in its policy and would result in introducing monogamy where polygamous marriages alone are at present possible.
3. It would prevent artificial conversions resulting from the exigency of marriages.
4. It would give a wider field for selection and thus ensure a happier domestic life.
5. It would introduce a greater sincerity in marriages by dispensing with the subscription of a declaration which many desiring to marry under the existing Act have to subscribe to not without considerable mental reserve.
6. It would tend to the unification of the Indian races without at the same time interfering with their personal religion.
7. It would give the wife a more assured position and entitle her to exercise her right of divorce which may not be possible if married under her personal law.
8. And being merely optional it trenches upon no one's rights, but merely prescribes a form to those who, while desiring to escape from the thralldom of their religious ritual, do not wish to renounce it.

It is believed that, with the growing strength of the national sentiment, such a Bill has become a public desideratum, and it has therefore been decided to re-introduce it in the Central Legislature.

H. S. GOUR,

T. C. GOSWAMI.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 13th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL No. 13 OF 1928.

A Bill further to amend the Indian Tariff Act, 1894, for certain purposes.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1928.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of the Second Schedule to Act VIII of 1894.

2. In the Second Schedule to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act.

THE SCHEDULE.

(See section 2.)

AMENDMENTS TO THE SECOND SCHEDULE TO THE INDIAN TARIFF ACT, 1894.

1. In sub-head (e) of Item No. 12, for the words "which may be maintained and organized for Imperial Service" the words "being a unit notified in pursuance of the First Schedule to the Indian Extradition Act, 1903" shall be substituted.

2. In Item No. 14 after the word "QUININE" the following words shall be added, namely :—

"and alkaloids derived from other sources which are chemically identical with alkaloids extracted from cinchona bark."

3. In Item No. 15, after the words "spraying machines" the following words shall be inserted, namely :—

"beet pullers, broadcast seeders, corn pickers, corn shellers, culti-packers, drag scrapers, stalk cutters, huskers and shredders, potato planters, lime sowers, manure spreaders, listers, soil graders."

4. In Item No. 16, after the words "cream separators" the words "milking machines" shall be inserted.

5. In sub-head (4) of Item No. 18A, after the word "materials" the brackets and words "(other than cotton, hair and canvas ply)" shall be inserted.

6. In Item No. 18C, after the word "aluminium" the words "and zinc" shall be inserted ; and for the words "lead and rule cutters" the words "lead cutters, rule cutters, slug cutters" shall be substituted.

7. In Item No. 20, after the word "coin" the following words shall be added, namely :—

"and gold and silver sheets and plates which have undergone no process of manufacture subsequent to rolling."

8. After Item No. 21A, the following Item shall be inserted, namely :—

"21B

PAPER MONEY."

9. In Item No. 24, for the words "and manuscripts" the words "manuscripts, and illustrations specially made for binding in books" shall be substituted.

10. After Item No. 24, the following Item shall be inserted, namely :—

" 24A	LIGHT SHIPS "
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and items Nos. 24A and 24 shall be re-numbered as 24B and 24C, respectively.

11. After Item No. 24C, as so re-numbered, the following Item shall be inserted, namely :—

" 24D	STONE prepared as for road metalling. "
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12. After Item No. 25, the following Item shall be inserted, namely :—

" 25A	INSIGNIA AND BADGES of official British and Foreign orders."
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13. In Item No. 26, after the word "SPECIMENS" the words "MODELS AND WALL DIAGRAMS" shall be inserted.

14. After Item No. 27, the following heading and Item shall be inserted, namely :—

"FRUITS AND VEGETABLES.

		Rs.	A.
27A	CURRANTS.	Cwt.	1 4 "

15. After Item No. 43, the following heading and Item shall be inserted, namely :—

"MACHINERY.

43A	Cotton, hair and canvas ply	<i>Ad valorem.</i>	5 per cent. "
	BELTING for machinery.		

and Item No. 43A shall be re-numbered 43B.

16. After Item No. 45A, the following Item shall be inserted, namely :—

" 45B	YARN (excluding cotton yarn) such as is ordinarily used for the manufacture of belting for machinery.	<i>Ad valorem</i>	5 per cent. "
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17. In Item No. 46C, the words "excluding white Portland cement" shall be added.

18. In Item No. 59, for the word "Company" the word "Administration" shall be substituted.

19. In Item No. 63, for the word "water-tank" the word "water-tanks", and for the word "company" the word "administration" shall be substituted.

20. In Item No. 67, after the word "preserved" the words "not otherwise specified" shall be added.

21. In Item No. 85, the brackets, words and figures "(see Nos. 132 and 133)" and "(see Nos. 100A and 134)" shall be omitted.

22. In Item No. 91, after the word "APPLIANCES" the words and brackets "(including plated surgical instruments)" shall be inserted.

23. In Item No. 99, the brackets, words and figures "(see No. 21)", "(see No. 21A)" and "(see Nos. 155 and 156)" shall be omitted, and after the word "unused" the words "and paper money" shall be inserted.

24. In Item No. 100, after the word "silk", where it occurs for the first time, the words "and silk mixtures" shall be inserted, and the brackets, words and figures "(see No. 134)", where they occur in two places, and the brackets, words and figures "(see No. 22)" shall be omitted.

25. In Item No. 103, for the words "other than Portland cement" the words "excluding Portland cement other than white Portland cement" shall be substituted.

26. In Item No. 118, the words "but excluding stone prepared as for road metalling" shall be added.

27. In Item No. 129, the words "excluding surgical instruments" shall be added.

28. In Item No. 132, after the word "wire" the words "gold leaf" shall be inserted, and after the word "sorts" the words "not otherwise specified" shall be added.

29. In Item No. 133, after the word "wire" the words "silver leaf" shall be inserted, and after the word "sorts" the words "not otherwise specified" shall be added.

30. In Item No. 138, for the words "including photographs and picture postcards" the brackets and words "(including photographs and picture postcard), not otherwise specified" shall be substituted.

STATEMENTS OF OBJECTS AND REASONS.

The object of this Bill is to give effect to certain minor amendments which it is proposed to make in Schedule II to the Indian Tariff Act, 1894 (VIII of 1894). The more important proposals in the Bill are dealt with *seriatim* below. They are included in separate Tariff Bill instead of in the Finance Bill, because they have not been made primarily with reference to the revenues of 1928-29.

2. *Cinchona bark and alkaloids extracted therefrom including quinine.*—It is proposed to amend item 14 so as to cover alkaloids derived from other sources than cinchona bark, which are chemically identical with alkaloids extracted from cinchona bark. It may be mentioned, for example, that the chemical constitution of quinoline whether prepared from a cinchona bark alkaloids or aniline and nitrobenzene is the same.

3. *Gold and silver sheets and plates.*—It is proposed to remove the import duty of 30 per cent. on gold and silver sheets and plates which have undergone no process of manufacture subsequent to rolling and to include them under item 20 of the Import Tariff. These articles are raw materials of an industry, and it is considered desirable that they should, in accordance with the recommendation of the Fiscal Commission, be admitted free of duty. Gold bullion and silver bullion are already free, and the process of rolling adds but slightly to the value of the bullion. It is also proposed to amend items 132 and 133, so as to make it clear that the amended item 20 does not cover gold and silver leaf.

4. *Paper money.*—It is proposed to place currency notes and the like on the free list. They are at present assessable to duty at 15 per cent. on their intrinsic value fixed at Re. 1 per hundred notes. But imports on Government account are already exempt from duty under a notification issued under section 23 of the Sea Customs Act. Imports by post have also hitherto been exempted by executive practice, which ought to be regularised, and import as cargo on private account is rare.

5. *Illustrations specially made for binding in books.*—Illustrations for books are imported free under item 24 of the Import Tariff when they are bound in a book. But they are assessable to duty at 30 per cent. under item 138 if they are imported separately. A certain class of illustrations cannot be produced in India, but has to be imported and bound up in the book or journal after arrival. The inevitable effect of a high duty on such illustrations when imported separately is to drive publishers to have the whole book printed or produced abroad when the illustrations will be allowed to enter free as part of the book. In order to remove this anomaly, a notification under section 23 of the Sea Customs Act was issued in September 1927 exempting such illustrations from the duty leviable on them under item 138. It is now proposed to place this exemption on a statutory basis.

6. *Stone prepared as for road metalling.*—The importations of road metal have in the past been very rare, so that from the revenue point of view the duty of 15 per cent. to which it is subject under item 118 is negligible. The Government of Madras having

represented that certain local bodies in the Madras Presidency experience great difficulty in obtaining locally good metal for their roads and that the present duty acted more or less as a prohibitive duty on the import of good metal from Ceylon, a notification was issued in December last exempting from import duty stone prepared for road metalling. It is now proposed to place this concession on a statutory basis.

7. *Specimens illustrative of natural Science.*—Only specimens illustrative of natural science are at present admitted free of duty under item 26 of the Tariff. It is considered that the item is unduly restrictive and that it should be extended so as to include models and wall diagrams for illustration of natural science.

8. *Currants.*—By a notification under section 23 of the Sea Customs Act, the import duty leviable on currants under item 67 of the Import Tariff was reduced to Rs. 1-4 per cwt. This reduction was made to carry out a *modus vivendi* with Greece by which complete and unconditional most-favoured-nation treatment was secured for all Indian goods on importation into that country. It is now proposed to incorporate this rate in the law.

9. *White Portland cement.*—The specific duty of Rs. 9 per ton on Portland cement was fixed in 1926 with reference to the then existing duty of 15 per cent. and tariff valuation of Rs. 60 per ton. It has been brought to notice that the incidence of the specific duty on White Portland cement, a recognised commodity used for special purposes such as repairing and joining marble, making tiles and imitation marble and plaster and stucco work, is much below 15 per cent. *ad valorem*, the landed cost of the article being Rs. 130 per ton. It is accordingly proposed to amend item 46C of the Tariff so as to make it possible to levy a duty of 15 per cent. on such cement.

10. *Silver plated surgical instruments.*—Under the Import Tariff nickel plated surgical instruments are assessable to duty at 15 per cent. (item 91) and silver plated surgical instruments at 30 per cent. (item 129). But before it can be determined whether a surgical instrument is silver plated or nickel plated, it is necessary to test such an instrument. By far the greater proportion of imported surgical instruments and appliances are, however, nickel plated. In order, therefore, to avoid inconvenience to the customs administration, not justified by revenue considerations, and the testing of these delicate instruments, a notification under section 23 of the Sea Customs Act was issued in August 1926, exempting silver plated surgical instruments from so much of the import duty as was in excess of 15 per cent. It is now proposed to place this concession on a statutory basis.

11. *Cotton, hair and canvas ply belting for machinery.*—In its report on the question of tariff equality in respect of the manufacture of camel hair, cotton and canvas ply belting in India the Tariff Board has recommended that a duty of 5 per cent. *ad valorem* should be imposed on imported cotton, camel hair and canvas ply belting. The Government of India have accepted this recommendation. They have, however, found it impossible to accept the Board's proposal that the duty on black proofing should be removed, but they have decided that the duty on camel hair yarn should be reduced from 15 per cent. to 5 per cent. instead of 6 per cent. as recommended by the Board. It is proposed to give effect to these changes in the present Bill.

12. The amendments are intended to come into effect from the seventh day after this Bill becomes law.

G. RAINY.

The 10th February, 1928.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, APRIL 5, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928:—

LEGISLATIVE ASSEMBLY BILL NO. II OF 1928.

*A Bill to provide for the abolition of the deferred rebates in the
Coasting Trade of India.*

WHEREAS it is expedient to provide for the growth of an Indian Merchant Marine by guaranteeing fair and healthy competition and by checking monopolies;

AND WHEREAS for this purpose it is expedient to provide for the abolition of the grant of deferred rebates or resort to retaliatory or discriminating practices by common carriers by water engaged in the coasting trade of India;

It is hereby enacted as follows:—

Short title, extent
and commencement.

1. (1) This Act may be called the Abolition of Deferred Rebates Act, 1928.

(2) It extends to the whole of the Coasting Trade of British India and of the Continent of India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “a common carrier by water” means a common carrier engaged in the transportation by water of passengers or property between any two ports in British India or between any port in British India and any port or place in the Continent of India;

- (2) "deferred rebates" means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is paid only if, either during the period for which computed or the period of deferment or both, the shipper has complied with the terms of the rebate agreement or arrangement;
- (3) "a subject" means a person and includes a joint stock company, corporation, partnership or association existing under or authorised by the laws of British India or of the Dominions of princes and chiefs in alliance with His Majesty; and
- (4) "the coasting trade of India" means the carriage by water of goods or passengers between any two ports in British India or between any port in British India and any port or place in the Continent of India.

Prohibition of deferred rebates and discriminating agreements.

3. No common carrier by water shall, directly or indirectly in respect of the coasting trade of India,—

(a) pay or allow or enter into any combination, agreement or understanding, express or implied, to pay or allow a deferred rebate to any shipper;

(b) retaliate against any shipper by refusing or threatening to refuse space accommodation when such is available, or resort to other discriminating or unfair methods, because such shipper has patronised any other carrier or has filed a complaint charging unfair treatment or for any other reason;

(c) make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight carried or unfairly treat or unjustly discriminate against any shipper in the matter of—

(1) cargo space accommodation or other facilities, due regard being had for the proper loading of the vessel and the available tonnage, or

(2) the loading and landing of freight in proper condition, or

(3) the adjustment and settlement of claims.

Governor General in Council to decide whether deferred rebates or discriminating agreements have been resorted to.

4. The Governor General in Council, without prejudice to the right of parties to move the Courts, upon his own initiative may, or upon complaint, shall, after due notice to all parties in interest and bearing, determine whether any person, joint stock company, corporation or association engaged in the coasting trade of India,

(1) has violated any provision of section 3, or

(2) is a party to any combination, agreement or understanding, express or implied, that involves in respect to the coasting trade of India a resort to deferred rebates and retaliatory or discriminating practices designated in section 5.

Power to Governor General in Council to prohibit entry into ports.

5. If the Governor General in Council determines that any such person, joint stock company, corporation, partnership or association has violated any such provision or is a party to any such combination, agreement or understanding, he may thereafter refuse such person, joint stock company, corporation or association the right of entry for any common carrier, directly or indirectly under his or its control, into any port of British India until the Governor General in Council certifies that the violation has ceased or such combination, agreement or understanding has been terminated.

Common carrier to file copy of agreement with another common carrier.

6. Every common carrier shall file immediately with the Governor General in Council a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodation, or other special privileges or advantages; controlling, regulating, preventing or destroying competition; pooling or apportioning earnings, losses or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential or co-operative arrangement.

Power to Governor General in Council to cancel or modify agreements.

7. The Governor General in Council may by order disapprove, cancel or modify any agreement or any modification or cancellation thereof, whether or not previously approved by him that he finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters and importers or to operate to the detriment of the commerce of British India or to be in violation of the Act, shall approve all other agreements, modifications, or cancellations.

Penalties.

8. Whoever violates any provision of any section of this Act, or refuses or fails to carry out the orders of the Governor General in Council, shall be liable to a penalty of a fine of not less than ten thousand rupees, or simple imprisonment to a term of not less than six months, or both.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to remove some of the main obstacles that lie in the way of the development of an Indian Merchant Marine. They mainly consist of methods whereby a shipper is practically bound to confine all his shipments to vessels belonging to a particular shipping company or to the members of a shipping conference, and rate wars waged for stifling all competition by ruthless and unfair rate-cutting. Not merely is the freedom of the shipper to ship his goods by any vessel he may choose thus destroyed, but the progress of trade along desirable channels is also checked. A "disloyal" shipper is penalised by (a) refusal of space, (b) discrimination in the contract of freight, (c) the loading and landing of freight, (d) the adjustment and settlement of claims and various other discriminatory methods. It is the purpose of this Bill to do away with such practices so that an Indian Merchant Marine may grow unhampered.

The 12th December, 1927.

SARABHAI N. HAJI.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, APRIL 12, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 8 OF 1928.

*A Bill to restrict the amount of interest recoverable from
debtors.*

WHEREAS it is expedient to restrict the amount of interest recoverable from debtors ; It is hereby enacted as follows :

Short title, extent
and commencement.

1. (1) This Act may be called the Interest Restriction Act, 192 .

(2) It extends to the whole of British India, excepting the Presidency-towns and the Bombay Presidency.

(3) It shall come into force on the day of
192 .

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “debt” means a pecuniary obligation arising out of a contract, but does not include a pecuniary obligation arising from a breach of civil duty or obligation *quasi ex contractu* ;

(b) “creditor” means a person in whose favour a debt is due ; and

(c) “debtor” means a person from whom a debt is due.

Restriction of the
amount payable as
interest.

3. Notwithstanding anything to the contrary in the Usurious Loans Act, 1918, or section 74 of the Indian Contract Act, 1872, no creditor shall be entitled to interest exceeding the amount of the debt. X of 1918.
IX of 1872.

Nothing in this section shall prevent a Court from granting interest under section 34 of the Code of Civil Procedure, 1908, V of 1908.
or from granting interest to a mortgagee during the pendency of his suit.

STATEMENT OF OBJECTS AND REASONS.

To remove the evils arising out of usury the Usurious Loans Act was passed, but that the Act is not of much utility will be clear, when its provisions are compared with those of the Usury Act recently passed in South Africa, according to which up to £10, the money-lender may charge 30 per cent. For sums over £10 but under £25—20 per cent., between £25 and £50, 15 per cent., and for sums over £50 12 per cent. only.

The Bill is intended to refer to cases not provided for by the Usurious Loans Act by restricting the accumulation of interest to the amount of the principal and thus bring the law in the rest of British India in conformity with that prevailing in the Presidency-towns and the Bombay Presidency.

Professor Keith in an article recently published in the Journal of International Legislation has approved of the principle of *Dam-duppat*, and suggested that legislation on the lines of *Dam-duppat* should be undertaken throughout Europe in order to remove the evils arising out of usury. The Usurious Loans Act is of no avail in preventing the accumulation of interest as stated above.

N. C. KELKAR.

The 4th December 1927.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 9 OF 1928.

A Bill to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts.

WHEREAS it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts ; It is hereby enacted as follows :—

Short title, extent and application.

1. (1) This Act may be called the Hindu Inheritance (Removal of Disabilities) Act, 192 .

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall not apply to any person governed by the Dayabhaga School of Hindu Law.

Persons not to be excluded from inheritance or rights in joint-family property.

2. Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded from inheritance or from any right or share in joint-family property by reason only of any disease, deformity, or physical or mental defect.

Saving and exception.

3. Nothing contained in this Act shall affect any right which has accrued or any liability which has been incurred before the commencement thereof, or shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust which he would not have had if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

(1) This Bill is the revival of a similar Bill introduced by the late Mr. T. V. Seshagiri Ayyar in the first Assembly where it was passed on the 27th March, 1923. Its consideration in the Council of State was adjourned on the 19th July, 1923, till the next session, when no further action being taken, it lapsed.

(2) The Bill seeks to remove certain disabilities which exclude Hindu heirs from inheritance. These are congenital blindness, deafness and dumbness, congenital want of any limb or organ, lunacy and idiocy though not congenital or incurable, sanious or ulcerous leprosy, impotency or other incurable disease. These disqualifications owe their origin to the obvious reason that those who take no hand in fighting should take no hand in the estate. The old reason has disappeared but the old disability remains, though its propriety has been judicially doubted ; it being held that infirmities such as congenital leprosy (*Kayarabana v. Subbaraya* 25 M. L. J. 251) or lameness (*Venkata v. Purshottam* 25 M. 133), blindness (*Yellarajhulu v. Yellarajhulu* 37 M. L. J. 405) or a nasal tumour (*Subba v. Venkatarama* 26 M. L. J. 508) are no longer sufficient to disqualify a person from inheritance, though a person suffering from congenital insanity or imbecility and thus unfit to discharge the religious duties incumbent upon the heir, or for the ordinary intercourse of life stands upon a different footing. (Hindu Code, Second Ed., S. 244 and cases cited.)

The Bill is intended to remove from the law its obsolete and spent provisions, for which there is now no parallel elsewhere. They disfigure that law and make it harsh and unjust.

(3) It is hoped that the Assembly will reaffirm its previous decision, and thus give the other Chamber another opportunity to concur in a reform against which nothing reasonable has been or can be urged.

H. S. GOUR.

The 14th October, 1927.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 12 OF 1928.

A Bill further to amend the Indian Penal Code.

WHEREAS it is necessary to legalise Trade Unions ;

And whereas it is expedient to protect the members and office-bearers of such Trade Unions from criminal liability under section 120B of the Indian Penal Code : XLV of 1860.

And whereas it is necessary to protect from criminal liability any two or more persons acting together to do any act in contemplation of furtherance of a trade dispute or in restraint of trade ;

And whereas it is expedient further to amend the Indian Penal Code for the purposes hereinbefore appearing : XLV of 1860.

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 192 .

Amendment of section 43, Act XLV of 1860.

2. To section 43 of the Indian Penal Code the following proviso shall be added, namely :— XLV of 1860.

“ Provided that nothing is illegal if done or procured to be done by two or more persons in contemplation or furtherance of a trade dispute or in restraint of trade, unless it be an offence when committed by one person.”

STATEMENT OF OBJECTS AND REASONS.

1. Trade Unions are now organised all the world over as a legitimate method of protecting and furthering the cause of labour. The Trade Unions Act of 1926 is only an instance of the recognition of this principle in India, though only to a limited extent. The said Act, however, protects only such of the Trade Unions, their members and office-bearers, as are “ registered ” under the said Act. It affords no protection to Trade Unions which are not registered.

2. In the infant state of the Trade Union movement in India and even afterwards some Trade Unions may not get themselves registered under the Act. It is, however, absolutely necessary to protect the members and office-bearers of such Trade Unions from the criminal liability for their acts done in contemplation or furtherance of a trade dispute or in restraint of trade. Moreover, under the present unorganised condition of labour in India there will be many cases when two or more persons may combine themselves without forming a Trade Union in furtherance or for the protection of the interests of labour. The actions of such persons also require to be protected from the consequence of section 120B of the Indian Penal Code.

3. Under the existing criminal law, as contained in section 120B of the Indian Penal Code, an agreement between two or more persons to do an illegal act is an offence. The word illegal as defined in section 43 of the Indian Penal Code includes *inter alia* anything which affords a ground for civil action. And an act done by two or more persons in contemplation or furtherance of a trade dispute or in restraint of trade may afford a ground for civil action and thereby would be “ illegal ” and would come under the criminal conspiracy as defined in section 120B of the Indian Penal Code. Such an act was not considered to be an offence before the Indian Penal Code was amended in 1913. Further such an act is not an offence under the English law. It is true that under section 196A of the Criminal Procedure Code the previous complaint of authority from the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council is necessary to start the prosecution. But it cannot be denied that under some circumstances it may become difficult for the authorities giving sanction for prosecution to resist the pressure brought to bear upon them by influential employers. Moreover, in this country Government themselves are large employers of labour.

4. It is, therefore, necessary for the protection of the members and office-bearers of unregistered Trade Unions and unorganised workers to amend the existing criminal law and to bring it into line with the English law and with the Indian Criminal Law as it stood before 1913.

5. This object is sought to be achieved by modifying the definition of the term “ illegal ” by adding a proviso to it at the end of section 43 of the Indian Penal Code as given in clause 2 of the Bill.

N. M. JOSHI.

The 30th January, 1927.

L. GRAHAM,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 29th February, 1928:—

LEGISLATIVE ASSEMBLY BILL NO. 15 OF 1928.

A Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax; It is hereby enacted as follows:—

Short title,
extent and
duration.

1. (1) This Act may be called the Indian Finance Act, 1928.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) Sections 2 and 3 shall remain in force only up to the 31st day of March, 1929.

Fixation of
salt duty.

2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden, be construed as if, with effect from the 1st day of April, 1928, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

Postal rates.

3. With effect from the 1st day of April, 1928, the schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act.

Amendment
of Act X of
1923.

4. In sub-section (7) of section 19 of the Indian Paper Currency Act, 1923, for the figures "1928" the figures "1929" shall be substituted.

Income-tax and
Super-tax.

5. (1) Income-tax for the year beginning on the 1st day of April, 1928, shall be charged at the rates specified in Part I of the Second Schedule.

(2) The rates of super-tax for the year beginning on the 1st day of April, 1928, shall for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of the Second Schedule.

(3) For the purposes of the Second Schedule, "total income" means total income as determined, for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922.

VI of 1898.
X of 1923.

XII of 1882.

VI of 1898.

X of 1923.

XI of 1922

XI of 1922

Schedule I.

Schedule to be inserted in the Indian Post Office Act, 1898.

[See section 3.]

"THE FIRST SCHEDULE.**INLAND POSTAGE RATES.**

[See section 7.]

Letters.

For a weight not exceeding two and a half tolas	...	One anna.
For every two and a half tolas, or fraction thereof, exceeding two and a half tolas	...	One anna.

Postcards.

Single	...	Half an anna.
Reply	...	One anna.

Book, Pattern and Sample Packets.

For every five tolas or fraction thereof	...	Half an anna.
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Registered Newspapers.

For a weight not exceeding eight tolas	...	Quarter of an anna.
For a weight exceeding eight tolas and not exceeding twenty tolas	...	Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas	...	Half an anna.

Parcels.

For a weight not exceeding twenty tolas	...	Two annas.
For a weight exceeding twenty tolas and not exceeding forty tolas	...	Four annas.
For every forty tolas, or fraction thereof, exceeding forty tolas	...	Four annas."

Schedule II.

[See section 5.]

PART I.*Rates of Income-tax.*

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—			Rate.
(1) When the total income is less than Rs. 2,000	...	Nil.	
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000	...	Five pies in the rupee.	
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000	...	Six pies in the rupee.	
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 20,000	...	Nine pies in the rupee.	
(5) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000	...	One anna in the rupee.	
(6) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000	...	One anna and three pies in the rupee.	
(7) When the total income is Rs. 40,000 or upwards	...	One anna and six pies in the rupee.	
B. In the case of every company and registered firm, whatever its total income			One anna and six pies in the rupee.

PART II.

Rates of Super-tax.

In respect of the excess over fifty thousand rupees of total income :—

	Rate.
(1) in the case of every company	One anna in the rupee.
(2) (a) in the case of every Hindu undivided family—	
(i) in respect of the first twenty-five thousand rupees of the excess ...	<i>Nil.</i>
(ii) for every rupee of the next twenty-five thousand rupees of such excess ...	One anna in the rupee.
(b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company, for every rupee of the first fifty thousand rupees of such excess ...	One anna in the rupee.
(c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the second fifty thousand rupees of such excess ...	One and a half annas in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess ...	Two annas in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess ...	Two and a half annas in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess ...	Three annas in the rupee.
(v) for every rupee of the next fifty thousand rupees of such excess ...	Three and a half annas in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess ...	Four annas in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess ...	Four and a half annas in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess ...	Five annas in the rupee.
(ix) for every rupee of the next fifty thousand rupees of such excess ...	Five and a half annas in the rupee.
(x) for every rupee of the remainder of the excess ...	Six annas in the rupee.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to continue certain provisions of the Indian Finance Act, 1927, which would otherwise cease to have effect from the 1st April, 1928.

2. Clauses 2, 3 and 5 provide for the continuance of the rates of salt duty, postage, income-tax and super-tax prescribed by the Indian Finance Act, 1927, while clause 4 provides for the credit to revenue for a further period of one year, *i.e.*, till the 31st March, 1929, of interest on securities forming part of the Paper Currency Reserve.

BASIL P. BLACKETT.

The 29th February, 1928.

L. GRAHAM,

Secretary to the Government of India,



The Calcutta Gazette

THURSDAY, APRIL 19, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

*A Bill to remove certain doubts regarding the dissolution of
marriages of persons professing the Hindu religion.*

WHEREAS it is expedient to remove certain doubts regarding
the dissolution of marriages of persons professing the Hindu
religion in certain cases ; It is hereby enacted as follows :—

Short title, applica-
tion and extent.

1. (1) This Act may be called the Hindu Marriages Dissolu-
tion Act, 192 .

(2) It applies to all Hindus, and extends to the whole of
British India.

Grounds for
dissolution of
marriage.

2. Notwithstanding any law or custom to the contrary, a
Hindu wife shall be entitled to obtain a declaration of the
invalidity of her marriage or its dissolution for any of the
following reasons, namely :—

- (a) impotency of the husband ;
- (b) his imbecility ;
- (c) the fact that he was suffering from sanious or ulcerous
leprosy.

•
Saving of other
rights.
•

3. Nothing herein contained shall be deemed to restrict the
rights of dissolution of marriages otherwise existing.

STATEMENT OF OBJECTS AND REASONS.

Under the Hindu law the main object of marriage is the procreation of a male offspring. It was so necessary that that result was obtained by the practice of *Niyog*, which provided the wife with a companion when the husband himself was imbecile or impotent. As that practice has fallen into desuetude, it is necessary that wives married to such persons should obtain relief; since if they can no longer practise *Niyog* they should be free to adopt the only honourable course open to them of securing their release from the bondage of such marriages. This is all the more necessary, since under Hindu law both the husband suffering from any of these disabilities and his wife are excluded from all rights in property. It is, therefore, hoped that this measure will give the Hindu wife some relief to which she is so clearly entitled. The Bill is not intended to introduce any innovation in the Hindu law of marriages. If passed it will have the effect of merely restoring the old law laid down by Narad and Vashisth whose Smritis are of the most revered authorities on Hindu law:

“Narad: XII—8. The man must undergo an examination with regard to his virility; when the fact of his virility has been placed beyond doubt, he shall obtain the maiden (but not otherwise).

Ib. 16. For the wife of one who spills his semen, or whose semen is devoid of strength, though they may have discharged their marital duties, another husband must be procured after she has waited for half a year.

Ib. 19. Women have been created for the sake of propagation, the wife being the field, and the husband the giver of the seed. The field must be given to him who has seed. He who has no seed is unworthy to possess the field.

Ib. 24. When a bridegroom goes abroad after having espoused a maiden, let the maiden wait till her menses have passed three times, and then choose another bridegroom.

Ib. 37. Madness, loss of caste, impotency, misery, to have forsaken his relatives (affliction with a chronic or hateful disease, and deformity): these are the faults of a suitor.

Ib. 97. When her husband is lost or dead when he has become a religious ascetic, when he is impotent, and when he has been expelled from caste: these are the five cases of legal necessity, in which a woman may be justified in taking another husband.”

(Narad xii—8, 16, 19, 24, 37, 97, 9-S. B. E., page 166 *et seq.*)

Vashisth—20. And she is called remarried who leaving an impotent, outcast or mad husband takes another lord. (Vashisth XVII—20; 14-S. B. E.-867.)

H. S. GOUR.

The 24th January, 1928.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.]

A Bill further to amend the Indian Divorce Act.

WHEREAS it is expedient further to amend the law relating to the divorce of persons subject to the Indian Divorce Act; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Divorce (Amendment) Act, 192 . IV of 1869.

(2) It shall come into force at once.

Amendment of section 2, Act IV of 1869.

2. In the second paragraph of section 2 of the Indian Divorce Act (hereinafter referred to as the said Act),— IV of 1869.

(a) before the words " Nothing hereinafter contained " the words " Except as otherwise provided by any law for the time being in force," shall be inserted, and

(b) after the words " under this Act except where the petitioner " the words " or the respondent " shall be inserted.

Substitution of new section for section 3, Act IV of 1869.

3. For section 10 of the said Act the following section shall be substituted, namely :—

When a person may petition for dissolution.

" 10. Any married person may petition for divorce on any one or more of the following grounds, namely that the respondent—

(a) has since the marriage committed adultery, or in the case of the husband has been guilty of rape, sodomy, or bestiality ; or

(b) has deserted the petitioner for a period of at least three years ; or

(c) has, since the marriage, treated the petitioner with cruelty ; or

(d) is incurably insane and has been continuously a certified lunatic for a period of at least five years immediately preceding the presentation of the petition ; or

(e) is an incurable habitual drunkard, and has for a period of at least three years been separated from the petitioner under a temporary separation order made under this Act on the ground of habitual drunkenness ; or

(f) is undergoing sentence of imprisonment under commuted death sentence or is confined during His Majesty's pleasure in a criminal lunatic asylum.

Contents of petition.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded."

Amendment of section 11, Act IV of 1869.

4. In section 11 of the said Act, after the words " presented by a husband " the following words shall be inserted, namely : " on the ground of the wife's adultery."

Amendment of section 14, Act IV of 1869.

5. In section 14 of the said Act,—

(a) after the words " or that the petition is presented or prosecuted in collusion with either of the respondents," the following shall be inserted, namely :—" or where the petition is presented on the ground of cruelty, that the petitioner has condoned the cruelty in question ; or where the petition is presented on the ground of insanity or habitual drunkenness, that the petitioner has been guilty of such wilful neglect or

misconduct as has conduced to the insanity or habitual drunkenness ; or where the petition is presented on the ground of insanity, that the respondent is, in the case of a man, over 60, and in the case of a woman, over 50 years of age," and

(b) the following shall be added at the end, namely :—
" No *bona fide* agreement made as to the course to be taken in any proceedings shall be treated as proof of collusion if there existed previously to such agreement sufficient ground for divorce."

Amendment of
section 19, Act IV
of 1869.

6. In section 19 of the said Act,—

- (i) to clause (3) the following shall be added, namely :—
"or was at the time of the marriage subject to recurrent fits of insanity or epilepsy" ;
- (ii) clauses (1), (2) and (4) shall be renumbered as clauses (4), (1) and (2), respectively ;
- (iii) after clause (4) the following clauses shall be inserted, namely :—
" (5) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage ; or
" (6) that the respondent was at the time of the marriage suffering from venereal diseases in a communicable form ; or
" (7) that the respondent was at the time of the marriage pregnant by some person other than the petitioner :

Provided that, in the cases mentioned in clauses (3), (6) and (7), the Court shall not grant a decree unless it is satisfied—

- (a) that the petitioner was at the time of the marriage ignorant of the facts alleged ;
- (b) that the petition was instituted within a year from the date of the marriage ; and
- (c) that marital intercourse has not taken place since the discovery by the petitioner of the existence of the grounds for a decree " ;
- (iv) the following shall be added at the end, namely :—
" Nothing in this section shall be construed as validating any marriage which is by law void but with respect to which a decree of nullity has not been granted."

Amendment of
section 22, Act IV
of 1869

7. In section 22 of the said Act, for the words beginning with the words "on the ground of adultery" and ending with the words "hereinafter mentioned", the following shall be substituted, namely :—"on the grounds upon which he or she may have applied for a decree of divorce, and such decree shall have the effect of a divorce *a mensa et toto* under the existing law and such other legal effect as hereinafter mentioned."

Insertion of new
section 23A, Act IV
of 1869.

8. After section 23 of the said Act the following new section shall be inserted, namely :—

" 23A. The provisions of this Act with respect to defences to proceedings for divorce shall apply also to proceedings for judicial separation ; and the Court may, if so desired by the respondent, instead of passing a decree of judicial separation, pass a decree *nisi* of divorce ;

Provided that, before granting such a decree, the Court shall give the petitioner a chance to withdraw his or her petition for judicial separation if he or she should so desire."

Amendment of
section 37, Act IV
of 1869.

9. In the second paragraph of section 37 of the said Act, after the words "as the Court may think reasonable," the following shall be inserted, namely :—

" and it may from time to time vary such order in such manner as having regard to all the facts of the case the Court may deem fit."

STATEMENT OF OBJECTS AND REASONS.

1. A somewhat lengthy statement is required to explain the object of this Bill. The Indian Divorce Act (IV of 1869) was enacted on the lines of the English Divorce Act, 1857, to give effect to some of the recommendations of the Royal Commission of 1850 appointed to inquire into the state of the Law and procedure connected with matrimonial causes in England. That Act was professedly declared to be passed mainly to amend the procedure and not to alter the Law. And it was clear from the debates in both Houses of Parliament that a considerable body of opinion was expressed by eminent lawyers and politicians, including the late Mr. Gladstone, that the Law of Divorce which was sought to be enacted was inadequate and unequal and unfair to the wife. Nevertheless, being the first Act of Parliament on the subject, it proceeded upon very cautious lines leaving intact the pre-existing Law upon which the parties could have sought the intervention of the Ecclesiastical Courts for obtaining their dissolution of marriage.

2. Soon after the enactment of the English Divorce Act, the Government of India took steps to enact a similar Law for this country, and Sir Henry Mayne and Sir Barnes Peacock, the then Chief Justice of Bengal, and others, strongly pressed upon the Government the desirability of ensuring the equality of sexes by giving the wife equality with the husband the right of divorce on the sole ground of adultery, without her being required to prove the additional fact of cruelty. Sir Henry Mayne acknowledged that this view was morally sound, but that as the Indian Legislature were legislating a replica of the English Act in order to ensure the decrees of Indian Courts being given effect to in England, it was necessary that the Laws of the two countries should be identical. See Supplement to the Gazette of India, March 6th, 1869, pages 297-299.

3. Since the enactment of the English Divorce Act, the British Dominions have passed similar Acts of their own, but they have, in every case, enlarged the grounds upon which the parties are entitled to obtain the dissolution of their marriages, for example, in the Union of South Africa, the grounds upon which divorce may be granted are malicious desertion, unnatural crimes, perpetual imprisonment, long absence and the refusal of marital privileges; while in the province of Natal, desertion for not less than 18 months is required for the suit. In New Zealand, Queensland, Australia, Tasmania and other colonies similar provisions exist, though they differ in minor details. And similar provisions have found a place in the Statute Laws of all European countries, except Italy and Spain where the ecclesiastical monopoly for granting divorce is still in force. In the United States of America, the Law of Divorce varies, but, in substance, it agrees with that obtaining in other parts of Christendom.

4. As the English Law of Divorce had not kept pace with the march of progress in the civilized countries of the world, a Royal Commission was issued on the 8th November 1909 to examine the Law relating to Divorce and make recommendations. This Commission comprised 14 commissioners, of whom some had to resign in the interim on account of various causes. They submitted their report, the majority comprising 9 commissioners recommending the change embodied in the present Bill, while the minority of 3, headed by the Archbishop of York, were opposed to all reforms, though they admitted the hardship consequent upon the stagnation of English Law which had not kept pace with the current of public opinion elsewhere. They, however, agreed with the majority on the point which had been the subject of acute controversy at the time of the enactment of the first Divorce Act, both in England and in India, to the effect that the wife should be entitled to obtain her divorce on the same ground available to the husband. (See Report, page 191.)

5. To give effect to the recommendations of the majority of the Royal Commissioners, Lord Buckmaster introduced a consolidating measure in the House of Lords which was passed by that body by a large majority. It is reported that owing to the congestion of business and other causes the progress of that Bill through the House of Commons has been delayed, with the result that Lord Buckmaster's reforming measure has not yet found a place in the Statute-book, but that the measure was long overdue has been explained in a series of articles written by the Earl of Birkenhead in the English Press, from which the following extracts are taken:—Supporting the 5 additional grounds besides that of adultery, namely: (1) wilful desertion for three years, (2) cruelty, (3) incurable lunacy of 5 years' standing, (4) habitual drunkenness, (5) imprisonment under commuted death sentence, His Lordship wrote as follows:—"I believe that all these additional grounds for divorce may be supported on the ground of *natural justice, public expediency and State policy.*" He then proceeded to justify the additional grounds as follows:—

(1) DESERTION FOR 3 YEARS.

"6. Deliberate desertion for three years is a grave violation of the marriage tie. The consequences, specially to a deserted wife, if she is poor, are a complete negation of the obligations solemnly undertaken when the marriage was contracted. Such desertion implies adultery on the part of the deserter, but the poor can seldom prove this. Desertion for three years is a cause for divorce which can be proved as a definite fact.

(2) CRUELTY.

"The second cause, that of cruelty, must also obviously destroy the substratum of married life, for it means that one party must go in fear and horror of the other. But, the opposition answer that such a ground of divorce is liable to the gravest kind of abuse, and that cruelty is indefinite and hard to define. The answer is that cruelty has been a subsidiary cause of divorce ever since 1857 and that the Judges have never found any difficulty in defining it. A dependable definition is 'such conduct by one married person to the other party to the marriage as makes it unsafe, having regard to life, limb or health, bodily or mental, for the latter to continue to live with the former'. Such new causes as the Royal Commission proposed to add are of a character easily proved and defined. They are wilful or negligent infection with venereal disease, or forcing a wife to submit to prostitution.

(3) LUNACY.

"The third reason for divorce would be incurable lunacy of five years' standing. This proposal was not accepted by the majority of the Royal Commission so unhesitatingly as the two former, and the whole question requires a more lengthy discussion than I can find space in this article. None the less, I believe the provision to be right in essence. A lunatic cannot marry—why should a lunatic be allowed to continue to be married merely because the lunacy supervenes?

(4) HABITUAL DRUNKENNESS.

"The fourth cause was Habitual Drunkenness. On this point I will simply quote the Royal Commission as showing how far the vice is a cause for the dissolution of a marriage where the substratum has been destroyed. In the case of a drunken husband, the physical pain of brute force is often added to the mental and moral injury he inflicts on the wife; moreover, he has power to reduce himself and those dependent upon him to penury. In the case of a drunken wife, neglect of home duties and of the care of the children produce a most deplorable state of affairs. In both cases, the ruin of the children can be traced to the evil parental example. But Lord Phillimore is greatly exercised to maintain such legal unions in the interests of the children.

(5) THE COMMUTED DEATH SENTENCE.

"On the fifth cause, the commuted death sentence, I find it difficult to write in terms of moderation. How the Law of God or the Law of Man can be invoked to chain a wife or a husband to one who has been segregated for ever under these circumstances passes my comprehension. One would require a heart of stone, under a breastplate of steel, to resist such an appeal for freedom. If one party to the marriage is hanged, because a Home Secretary declines to relent, the other party is (even from the most extreme ecclesiastical standpoint) free in an instant to live his or her own life and remarry. Otherwise the innocent partner is chained to disgrace and condemned to lifelong celibacy. But the Bishops and the pious laymen in the House of Lords cheerfully forced through an amendment to Lord Buckmaster's Bill, depriving these wretched people of relief 'because there were so few of them'. The heads of the Christian Church of England seem to think you have to be a majority before you can suffer an injustice.

"All the five additional causes for divorce advocated by the Royal Commission and contained in Lord Buckmaster's Bill, are readily ascertainable by the Law of Evidence. That the new Law would be administered strictly by British Judges, according to the evidence, is a fact which does not admit of dispute. It follows that those, who declare that the passing of such a measure implies promiscuous divorce on grounds of incompatibility of temperament or any other vague cause, have no ground whatever for their assertion."

7. The additional grounds for Divorce embodied in the Bill have, thus, received the highest judicial and legal support. They have been supported by the usages of nations and by the Royal Commission of 1909—1912 and by the verdict of the House of Lords. The equality of the sexes has already been assured by the enactment of the Matrimonial Causes Act, 1923 (13 and 14 Geo. 5, ch. 19: Statutes P. 280), and it is possible that the House of Commons may assent to the other provisions of the Bill, in which case the provisions of the present Bill will have received the support of the English Statute. But there is no reason why the amendment of the Indian Statute should be delayed merely because the progress of the English Bill through the House of Commons has been delayed through other causes when the Indian Divorce Act itself contains and is, in fact, an exhaustive code of the Law of Divorce, which must be brought up to date.

8. When the Act of 1869 was passed, it was confined to Christians and its provisions have since been made applicable to those who have contracted marriages under the Special Marriage Act (III of 1872) and under the recent amendment of that Act (XXX of 1923). (See section 17 of Act III of 1872.) Section 2 of the Act has, therefore, been amended. Further explanation of the amendments will be found in the Notes on Clauses appended to the Bill.

NOTES ON CLAUSES.

Clause 2.—Two amendments are proposed by this clause to make its provisions expressly conformable to the provisions of the other Acts of the Indian Legislature, namely :—Section 4 of the Indian Christian Marriage Act (XV of 1872) ; and section 17 of the Special Marriage Act (III of 1872). Section 2 of the Act as it stands requires that the petitioner must profess the Christian religion at the time of applying for Divorce under the Act. But under section 4 of the Indian Christian Marriage Act (XV of 1872), marriage is possible “between persons one or both of whom is or are a Christian or Christians”, in other words, under that Act, it is legal for a Christian to contract marriage with a non-Christian, and therefore, it follows that it is equally just that a non-Christian petitioner should have the same right of Divorce as a Christian petitioner. The Indian Divorce Act, when enacted, in 1869, was intended to be applicable only to Christians, but its provisions have been extended to those married under the provisions of the Special Marriage Act (III of 1872) and (XXX of 1923). This has been made clear by the opening words of the section as amended by this clause.

Clause 3.—This clause replaces section 10 originally enacted which is admittedly one-sided as regards the right of Divorce in that it permits the husband to divorce his wife on the sole ground of adultery, while the wife cannot divorce the husband except on the ground of adultery of a special character therein mentioned, or of adultery coupled with cruelty or desertion for two years or upwards. The other clauses occurring in the present section were explained by Sir Henry Mayne in his speech in the late Imperial Council as due to his close adhesion to the English Law (Supp. to the Gazette, 6th).

The present clause has been bodily copied from clause 4 of Lord Buckmaster's Bill as passed by the House of Lords, embodying the recommendations of the majority of the Royal Commission. The Commissioners were unanimous on the amendment of the Law so as to ensure mutuality as regards the right of divorce between husband and wife. The clause relating to Rape, Sodomy and Bestiality is taken from the section which the present clause is intended to repeal, though its omission would not materially alter the sense as these acts would presumably constitute cruelty within the meaning of the English Law.

Clause 4 is merely consequential.

Clause 5 is taken from the corresponding clause 5 of Lord Buckmaster's Bill.

Clause 6 is taken from clause 7 of Lord Buckmaster's Bill.

Clause 7 is consequential on the amendment of section 10.

Clause 8 is taken from clause 6 (b) of Lord Buckmaster's Bill.

Clause 9 is taken from clause 12 (d) of Lord Buckmaster's Bill.

H. S. GOUR.

The 14th October, 1927.



The Calcutta Gazette

THURSDAY, APRIL 26, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 22nd March 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 20 OF 1928.

A Bill to provide for putting certain foreign Life Insurance Companies, doing business in India, on a footing of equality with others, in certain respects, by withdrawing certain special facilities now given to the former.

WHEREAS it is expedient to provide for putting certain foreign Life Insurance Companies, doing business in India, on a footing of equality with others, in certain respects, by withdrawing certain special facilities now given to the former; It is hereby enacted as follows :—

Short title, extent
and commencement.

1. (1) This Act may be called the Indian Life Assurance Companies (Amendment) Act, 1928 .

(2) It shall extend to the whole of British India.

(3) It shall come into force on the 1st day of January 1928 .

Repeal of
section 33, Act VI
of 1912.

2. Section 33 of the Indian Life Assurance Companies Act, VI of 1912, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

Section 33 of the Indian Life Assurance Companies Act, 1912, exempts certain Insurance Companies from the operation of certain sections of the Act, viz., (4), (5), (7), (8), (9), (10), (11), 15, (20), (21), and (37). The requirements in these sections are wholesome ; and there is not sufficient reason why certain Insurance Companies doing business in India should be exempted from their operation simply because those Companies do business and have an office in the United Kingdom as well as in India. The present exemption creates unequal conditions as between Indian and Foreign Insurance Companies. The interests also of the people availing themselves of the system of Life Insurance will be better served by subjecting foreign companies doing business in India to the requirements in the abovementioned sections which are intended to protect those interests.

N. C. FELKAR.

The 4th December, 1927.

L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to regulate marriages of children amongst the Hindus was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

The object of the Bill as introduced in the Legislature was to impose restraint upon the solemnisation of child marriages, and the method adopted was, broadly speaking, that of declaring all marriages of boys or girls below a certain age to be invalid. The Bill has been circulated under the orders of Government and has elicited a strong expression of feeling that it is objectionable, both on religious and on legal grounds, to interfere with the validity of a marriage which has been performed. In our opinion, these objections are at present insuperable, and we have accordingly acted upon a suggestion, which has been widely made, that the Bill should effect its purpose of restraining child marriages, not by declaring such marriages to be invalid, but by imposing punishments upon those who participate in them.

We, therefore, set ourselves the task of recasting the Bill with this object in view. To begin with, we considered the propriety of our action in so materially amending a Bill whose principle had been accepted by the Legislative Assembly in referring it to us, and we came to the conclusion that the principle of the Bill which had been endorsed by the Legislative Assembly was the principle that child marriages should be restrained by legislation, and that it was open to us to vary the method of imposing the restraint from that contained in the Bill to another which is undoubtedly in accord with public opinion and seems to ourselves the only method which is at present expedient. Nevertheless, we do recognise that the substitution in Select Committee of what is formally a new Bill is an unusual step, and we desire that further stages in the Bill should be undertaken deliberately and only after public opinion has been fully elicited on its details.

The Bill, as introduced, applied to Hindus, Jains, Sikhs, Brahmos, Arya Samajists and Buddhists and was a measure relating to the validity of marriage. As we propose to amend the Bill by making it a measure imposing criminal penalties on participants in a child marriage, it seems invidious that it should be restricted to these particular communities, since child marriages do occur, though not so frequently, in other communities. We propose, therefore, that the amended Bill should be general in its scope and apply to all classes and communities in British India.

The first provision which required our decision is also the most important, namely, the determination of the ages of boys and of girls below which participation in their marriage should be punishable. After much discussion we decided that this age for boys should be eighteen years. For girls we considered the ages of eleven, twelve and fourteen, and finally, came to the conclusion that we should adopt the age of fourteen. We recognise that these ages will be regarded by many people, whose opinion is entitled to great weight, as being too high; but we also recognise that there is a strong body of opinion, particularly among those who advocate social reform, which will not willingly accept any lower age. We also gave weight to the considerations that there are communities in India among whom the marriage of girls under fourteen years of age is infrequent, and that the backward elements in those communities might regard the fixing of a lower age limit in a statute as a recognition by the State of that age as being a suitable age for marriage, and even an encouragement to adopt it.

These decisions, that the limiting age for a boy should be eighteen and for a girl fourteen, are embodied in sub-clause (a) of clause 2 of the Bill as amended by us.

The next important principle to be determined was the interpretation of the phrase "participants in a child marriage"; in other words, which of the possibly numerous persons in any way concerned with a child marriage should be liable to punishment. We decided that the following classes should come within the penal provisions of the Bill, namely:—

- (a) male adults who marry young girls,
- (b) persons who perform any essential ceremony of a child marriage, and
- (c) parents and guardians who promote or permit a child marriage.

Our decisions as regards (b) and (c) are embodied in clauses 5 and 6 of the Bill.

Our decisions as regards (a) were not so simple and were arrived at only after much discussion. To begin with we concluded that it is not expedient to punish a woman who marries a young boy, as cases of this sort are rare, and in most of them the woman is likely to be so young that she is entirely under the control of her parents and should not be made criminally liable. Further, even in such marriages the new Act will not be inoperative, as the other contracting party will be a child, and the guardian of the child and the persons who solemnise the marriage will be punishable.

• The first point to be decided as regards male adults was the age at which they should be regarded as responsible for their own actions and therefore criminally liable if they

contract a child marriage. We decided that the ordinary age of majority was a suitable limit in these cases; but we also recognise that young men between the ages of eighteen and twenty-one are still under the influence of their parents to a considerable extent, and we considered it inexpedient that these boys should be sent to jail for undertaking a course of action in which they may not have been entirely free agents. We decided, therefore, that where a boy between the ages of eighteen and twenty-one marries a child he shall be liable to fine, and that where a man above the age of twenty-one marries a child he shall incur the full penalty prescribed for offences under the Act. We have, therefore, provided separately in clause 3 for a fine of Rs. 1,000 for offenders above the age of eighteen years and under twenty-one; and in clause 7 we have made provision that imprisonment shall not be imposed on these offenders under any circumstances. Clause 4 relates to offenders above the age of twenty-one years.

The next point which we decided was the extent of the punishment to be provided generally for offences under the Act, and this we have fixed at simple imprisonment up to one month, fine up to one thousand rupees, or both. These punishments appear in clauses 4, 5 and 6 of the amended Bill.

These decisions cover the substantive law contained in the Bill. We have added to them certain provisions of procedure which are designed to avoid the risk of frivolous prosecutions and harassment. We consider these provisions to be very important safeguards in a measure of social reform directed against a custom so long established and so widely prevalent as that of child marriage. It may be that in future these provisions may be abrogated and the penal provisions of the Act allowed to operate in the normal way, but, for the immediate future at least, we are strongly of opinion that we must go cautiously.

In pursuance of this policy we have provided in clause 8 that only Courts of Presidency Magistrates and District Magistrates shall have jurisdiction in cases concerning child marriages. In clause 9 we have provided that cognisance can be taken only upon complaint made within one year of the solemnisation of the marriage. In clause 10 we have laid down that the Court, unless it dismisses the complaint, shall in all cases make a preliminary inquiry under section 202 of the Code of Criminal Procedure, 1898. In clause 11 we have added a provision requiring the complainant to give security for the payment of any compensation that may be awarded against him under section 250 of the same Code.

In view of the altered machinery of the Bill we have re-drafted the long title and the preamble to the Bill. In sub-clause (1) of clause 1 we have also recast the short title, and in sub-clause (2) we have provided that the Bill shall extend to all classes in the whole of British India. In sub-clause (3), in accordance with the policy of caution which we strongly advocate, we have provided that the Act shall not come into force until the 1st day of April 1930, by which date we trust the provisions of the Bill will be widely known among all classes and communities. To this end we recommend that Government should take exceptional measures in publishing the Act as finally passed.

The Bill, as introduced, was published in the *Gazette of India*, dated the 5th February 1927.

The Bill, though it still carries out its original purpose of imposing restraint upon child marriages, has been so materially altered by us that in our opinion it requires republication. We propose that no further step should be taken to pass the Bill in the present session of the Legislative Assembly and that between now and the next session the Bill should be published as widely as possible in English and in all the important vernaculars. We desire to emphasize strongly this need for deliberation and wide publication.

MD. YAKUB.

J. CRERAR.*

HARBILAS SARDA.

LAJPAT RAI.

RANGBEHARI LAL.

M. R. JAYAKAR.*

H. A. J. GIDNEY.

M. M. MALAVIYA.*

H. S. GOUR.

W. A. COSGRAVE.

S. SRINIVASA IYENGAR.

K. C. ROY.

J. C. CHATTERJEE.

D. CHAMAN LALL.*

GANGANAND SINHA.*

The 21st March, 1928.

* Subject to minute of dissent.

MINUTES OF DISSENT.

I am glad that the Bill has been recast very much on the lines I suggested when it was considered by the Assembly. But I do not agree with the majority of my colleagues on two important points. The proposal to make marriages of girls below the age of 14 years punishable by law will rightly rouse much opposition among the large body of orthodox Hindus. I urged that the age should be fixed at 11 so that a law the need for which is pressing might be passed with the unanimous support of all sections of the community. If even 12 is fixed as the age marriages below which shall be punishable, it is possible that a section of orthodox opinion may be reconciled to it. But in my opinion in view of the fact that marriage is a religious sacrament among Hindus, and in view of the belief which has prevailed on the question of the age of marriage among them for a very long time, to make a marriage above the age of 12 and below the age of 14 punishable by law will be clearly wrong. I think we should leave the raising of the age of the marriage of girls beyond 12 to the greater spread of education and of ideas of social and physical well-being among the people. Their effects are already visible and should not be ignored.

I am also opposed to imprisonment being awarded as a punishment to any person who offends against the provisions of the proposed law. I expect that if the Government and the public will co-operate to have a knowledge of the provisions of the Act made universally known among the people, the fear of the infliction of a fine which may extend up to a thousand rupees and the opprobrium of being exposed to a prosecution, will act as effective deterrent, to prevent people from celebrating child marriages in contravention of the provisions of the proposed law. In any event, I would not provide imprisonment as an alternative punishment for the first few years of the new legislation.

MADAN MOHAN MALAVIYA.

21st March, 1928.

I wish to make it clear that, while Government accept and support the principle of making the celebration of child marriages a penal offence, they must reserve judgment on some of the provisions of the Bill until they are in possession of the results of the consultation of public opinion recommended in the Report.

J. CRERAR.

I agree, subject to the insertion of the article "the" before the word "marriage" in the 5th line of clause 5.

M. R. JAYAKAR.

I agree, subject to the following propositions:—

- (1) In clause 2 (a) the age of the female child should be raised to "under sixteen";
- (2) Power should be taken to compel the registration of all marriages;
- (3) Punishment for those who perform child marriages should be deterrent.

D. CHAMAN LALL.

I think 14 years will be considered too high to be the minimum marriageable age for girls by a large section of the Hindu community. I am aware of the fact that communities like the Mahomedan, the Christian, the Parsi and even a considerable section of the Hindu community to all of whom this Bill has now been made applicable, will regard the declaration of the legal age for marriage of girls below 14 years as a retrograde measure and a possible incentive to reduce the age of marriage in their respective societies. But I am also not oblivious of the very strong opinion in favour of pre-puberty marriage, held by a very large section of the Hindu community. They look upon marriage as a sacrament; and generally speaking, to them, the celebration of marriage does not necessarily mean the consummation of marriage.

We see that the Hindu Mahasabha having within its fold various sections of the Hindu community fixes 12 years as the minimum age for the marriage of girls and so does the All-India Sanatana Dharama Mahasabha representing the most orthodox section of the Hindu community. Its resolution No. 7 passed at its sitting held at Allahabad in January 1928, under the presidency of Pandit Madan Mohan Malaviya, when translated into English will read thus:—

7. (a) "In the opinion of this Sanatana Dharama Mahasabha no marriage of a Hindu boy should take place till he is 18 years of age.
- (b) This Mahasabha exhorts the Hindu community that the marriage of girls should never be celebrated before they have entered upon their 12th year."

But in the subsequent resolution No. 8, it clearly indicates that the consummation of marriage should not take place before the girl attains her 16th year.

The translation of the resolution is as follows :—

8. "In the opinion of this Sanatana Dharama Mahasabha, it is extremely necessary in order to make the community physically and religiously strong, that even when the wedding ceremony has been performed the consummation of marriage should not take place till the girl has attained the age of 16 years."

This measure is the first effort of its kind and I am of opinion that the line of least resistance should be adopted in this matter by all those who want its success. The fixing of minimum age limit has by no means a binding effect on the higher age. For instance, we see that in several Western countries, the age of consent is much below the age in which marriages usually take place. That being so, I think that it is but proper that the views of such a large number of people should not be ignored and that the minimum marriageable age for girls should be fixed at twelve years. If any legal protection be deemed necessary in respect of the consummation of marriage, that might be afforded to the girls by further raising the age of consent. Of course it might be argued that the age of consent clause of the Indian Penal Code is a dead-letter. But it must also be recognised that any special legislation if it has to succeed must not be so drastic as to make it wholly unacceptable to a large number of people. I hope, therefore, that those who advocate the raising of the minimum marriageable age of girls higher than 12, would appreciate the difficulties underlying its acceptance and be content with fixing the minimum marriageable age of girls at 12 years. We should wait to see the measure of success that the piece of legislation achieves in this modified form.

GANGANAND SINHA.

[AS AMENDED BY THE SELECT COMMITTEE.]

A Bill to restrain the solemnisation of child marriages.

Whereas it is expedient to restrain the solemnisation of child marriages ; It is hereby enacted as follows :—

Short title, extent
and commencement

1. (1) This Act may be called the Child Marriage Restraint Act, 1928.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the 1st day of April, 1930.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "child" means a person who, if a male, is under eighteen years of age, and if a female, is under fourteen years of age ;

(b) "child marriage" means a marriage to which either of the contracting parties is a child ;

(c) "contracting party" to a marriage means either of the parties whose marriage is thereby solemnised ; and

(d) "minor" means a person of either sex who is under eighteen years of age.

Punishment for
male adult below
twenty-one years
of age marrying
a child.

3. Whoever, being a male above eighteen years of age and below twenty-one, contracts a child marriage shall be punished with fine which may extend to one thousand rupees.

Punishment for
male adult above
twenty-one years
of age marrying
a child.

4. Whoever, being a male above twenty-one years of age, contracts a child marriage shall be punished with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment for
solemnising a
child marriage.

5. Whoever performs, conducts or directs any ceremony or part of a ceremony leading to a child marriage, which is an irrevocable step in the solemnisation of marriage shall be punished with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment for parent or guardian concerned in a child marriage.

6. Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage, or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punished with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees or with both.

For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor has contracted a child marriage the person having charge of such minor has negligently failed to prevent the marriage from being solemnised.

Imprisonment not to be awarded for offences under section 3.

7. Notwithstanding anything contained in section 25 of the General Clauses Act, 1897, or section 64 of the Indian Penal Code, a Court sentencing an offender under section 3 shall not be competent to direct that, in default of payment of the fine imposed, he shall undergo any term of imprisonment. X of 1897.
XLV of 1860.

Jurisdiction under this Act.

8. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1898, no Court other than that of a Presidency Magistrate or a District Magistrate shall take cognizance of, or try, any offence under this Act. V of 1898.

Mode of taking cognizance of offences.

9. No Court shall take cognizance of any offence under this Act save upon complaint made within one year of the solemnisation of the marriage in respect of which the offence is alleged to have been committed.

Preliminary inquiries into offences under this Act.

10. Where the Court has not dismissed a complaint under section 203 of the Code of Criminal Procedure, 1898, it shall, without recording reasons, either make an inquiry under section 202 of that Code, or direct any Magistrate of the first class subordinate to it to make such inquiry, but no other person. V of 1898.

Power to take security from complainant.

11. (1) At any time after examining the complainant and before issuing process for compelling the attendance of the accused, the Court shall, except for reasons to be recorded in writing, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898; and if such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed. V of 1898.

(2) A bond taken under this section shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, and Chapter XLII of that Code shall apply accordingly. V of 1898.



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THURSDAY, MAY 3, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 22nd March, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 19 OF 1928.

A Bill to alter the order in which certain heirs of a deceased Hindu dying intestate are entitled to succeed to his estate.

WHEREAS it is expedient to alter the order in which certain heirs of a deceased Hindu dying intestate are entitled to succeed to his estate ; It is hereby enacted as follows :—

Short title, extent
and application.

1. (1) This Act may be called the Hindu Law of Inheritance (Amendment) Act, 1928.

(2) It extends to persons subject to the Law of the Mitakshara country who, but for the passing of this Act, would have been subject to the said law, whether as a paramount authority or not, in respect of the provisions herein enacted : but it applies only in the case of the property of Hindus, not being held in coparcenary and not having been disposed of by will, to which the succession opens after the thirty-first day of July 1928.

Definitions.

2. In this Act,—

- (a) "Hindu" means a person of the male sex governed by the Mitakshara law of inheritance ;
- (b) "order of succession" means the order in which, according to the Mitakshara law of inheritance as administered in the territories to which this Act extends, the relations of a deceased Hindu succeed to his estate or to any portion thereof ; and
- (c) "son" includes an adopted son, provided that, in the case of the adoption of a son to a sister's husband, the adoption has been made with the consent of that sister during her lifetime.

Order of succession
of certain heirs.

3. A son's daughter, daughter's daughter, sister, and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother.

Savings.

4. Nothing in this Act shall—

- (a) affect any special family or local custom having the force of law, or
- (b) vest in a son's daughter, daughter's daughter or sister an estate larger than, or different in kind from, that possessed, according to the Mitakshara law of inheritance as administered in the territories to which this Act extends, by a female in property inherited by her from a male, or
- (c) enable more than one of several sons' daughters, daughter's daughters, sisters or sister's sons to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.

STATEMENT OF OBJECTS AND REASONS.

(1) This Bill is a revival of a similar Bill introduced by the late Mr. T. V. Seshagiri Ayyar and passed by the first Assembly on the 27th March 1923. Its consideration in another place was moved on the 19th July 1923, but postponed to the next session, when no further action being taken, the Bill was suffered to lapse.

(2) The Bill is intended to remove a sex disqualification which under the archaic rules of Hindu Law excludes one's nearest female relations, *e.g.*, the sister, the son's daughter and the daughter's son, from inheritance altogether, while it gives the sister's son a very low place amongst *bandhus* who can only take in the absence of *gotraja sapindas* and *samanodaks*, that is to say, the owner's agnatic relations even up to the 14th and later degrees, which gives him a very poor chance of succession in many cases. This condition is somewhat ameliorated in the case of persons subject to the Mayukh law where usage has given female heirs a somewhat better position, though in the case of persons subject to the Dayabagh School of Law certain *bandhus* are not considered inferior to the *gotrajas*: till even under that system the sister is not an heir though the sister's son is expressly mentioned in the Dayabagh as the heir while the son's daughter and the daughter's daughter have no place at all. In fairness to Bengal the Bill should have been extended even to that Province but an objection was taken in the first Assembly to its extension to that Province and its provision was, therefore, restricted to the two Provinces of the Mitakshara country.

(3) The Bill is intended to include the son's daughter, daughter's daughter, and the sister amongst heritable *bandhus* which they are not under the Hindu Law, and improves the position of the sister's son by placing him immediately after the grandfather but before the grand uncle.

(4) This does not exhaust a very large number of female relations, *e.g.*, the son's son's daughter, the brother's daughter, the sister's daughter, who still remain outside the pale of heritable *bandhus*. But the Bill being merely a revival of the Bill already passed by the Assembly it is not proposed to enlarge upon its provisions for the present, though the whole law of Hindu inheritance is unsatisfactory and does not follow the line of affinity and affection, placing as it does agnatic kinsmen however remote above all cognatic relations however near.

(5) The Bill will not make any serious inroad upon the law as understood in the Province subject to Mayukh, nor will it seriously affect the law as understood in the Province of Madras where female *bandhus* are allowed to rank but only after all the male *bandhus* are exhausted.

(6) The previous Bill passed by this Assembly was limited only to the two Provinces of Madras and United Provinces, but the reason for this limitation is not understood nor was it clear to the Council of State who gave it as one of their reasons for postponing its consideration. It is hoped that the small Bill intended to rectify a glaring injustice to one's nearest relations will receive the same support as its predecessor and that this time it will find a place on the Statute-book.

H. S. GOUR,

The 14th October, 1927.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, MAY 10, 1928.

PART VI.

**Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.**

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 1st March, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 16 OF 1928.

*A Bill to provide for the fostering and development of the
manufacture of ply-wood tea-chests in British India.*

WHEREAS it is expedient, in pursuance of the policy of discriminating protection of industries with due regard to the well-being of the community, that an increased import duty should be levied on ply-wood for the purpose of fostering and developing the manufacture of ply-wood tea-chests in British India, and that such increased duty should be fixed for a period of five years; It is hereby enacted as follows :—

Short title and
commencement.

1. (1) This Act may be called the Ply-wood Industry (Protection) Act, 1928.
- (2) It shall come into force on the 1st day of April, 1928.

Amendment of
Second Schedule
to Act VIII
of 1894.

2. (1) In Part VII of the Second Schedule to the Indian Tariff Act, 1894, the following heading and item shall be added, namely :—

VIII of
1894.

“WOOD AND TIMBER.

157	PLY-WOOD BOARDS, PANELS and CHESTS, and battens and corner pieces such as are ordinarily used in ply-wood chests.	Ad valorem	30 per cent.”
-----	---	------------	---------------

- (2) The amendment made in sub-section (1) shall have effect only up to the 31st day of March 1933.

No drawback
payable on
ply-wood chests.

3. Notwithstanding anything contained in Chapter VI of the Sea Customs Act, 1878, so long as the amendment made by sub-section (1) of section 2 has effect, no drawback shall be paid on ply-wood chests containing goods exported after the 31st day of March, 1928.

VIII of
1878.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to the decision of the Government of India to grant protection to the manufacture of ply-wood tea-chests as announced in their Resolution No. 483-T. (4), dated the 18th February 1928, on the Tariff Board's Report on the subject.

2. Clause 2 of the Bill raises the import duty on all forms of ply-wood and on battens and corner pieces of ply-wood chests from the present rate of 15 per cent. *ad valorem* to 30 per cent. *ad valorem*, and fixes the period for which that duty shall have effect at five years.

3. According to the provisions of section 42 of the Sea Customs Act, 1878, a drawback equal to seven-eighth of the duty paid on import is admissible on re-export. Clause 3 of the Bill declares that no drawback shall be payable on ply-wood chests containing goods. The admissibility of the drawback on other forms of ply-wood remains unaffected.

DELHI :

G. RAINY.

The 16th February, 1928.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, MAY 24, 1928.

PART VI.

***Bills introduced in the Council of State and Legislative Assembly,
Reports of Select Committees presented to the Council and
Assembly and Bills published under Rule 18 of the Indian
Legislative Rules.***

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 9th February, 1928 :—

LEGISLATIVE ASSEMBLY BILL NO. 10 OF 1928.

A Bill to repeal the Caste Disabilities Removal Act, 1850.

WHEREAS it is expedient to repeal the Caste Disabilities Removal Act, 1850 ; It is hereby enacted as follows :—

XXI of
1850.

Short title,
extent and
commencement.

1. (1) This Act may be called the Caste Disabilities Removal Repealing Act, 1928 .

(2) It extends to the whole of British India.

(3) It shall come into force at once.

Repeal of Act XXI
of 1850.

2. The Caste Disabilities Removal Act, 1850, is hereby repealed.

XXI of
1850.

STATEMENT OF OBJECTS AND REASONS.

The Caste Disabilities Removal Act (XXI of 1850) has created an anomaly. As pointed out in 64 I. C. 514 in a case from Burma, the Burmese Buddhist relations of the deceased, who became a convert to Muhammadanism, do not inherit from him, though he would have inherited from them. There is thus no reciprocity and there is no particular merit in allowing an apostate to inherit from his previous relations, whose

religion and law he has abandoned, while under the law to which he has become subject they cannot inherit from him. The legislature in Act XXIX of 1923, the Special Marriage Amendment Act, has, by permitting the adoption by the father in the case of a son marrying under the Act, approved the principle of applying the rule of civil death to such person, who renounces the essentials of Hindu religion, though section 23 of this Act allows such persons to succeed as heirs.

This provision is not intended against any community and would be applicable to the cases of persons who become converts to Hinduism from Muhammadanism.

The Caste Disabilities Removal Act was purely a Government measure and does not represent the will of the people.

N. C. KELKAR.

The 4th December, 1927.

L. GRAHAM,

Secretary to the Government of India.



The Calcutta Gazette

THURSDAY, JANUARY 5, 1928.

SUPPLEMENT.

Official Papers.

[Non-subscribers to the GAZETTE may receive SUPPLEMENT separately on payment of five rupees per annum if delivered in Calcutta, or seven rupees and eight annas if sent by post.]

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DEPARTMENT OF AGRICULTURE, BENGAL.

Forecast of the Winter *til* (Sesamum) crop of Bengal, 1927-28.

(NOTE.—On an average of the five years ending 1925-26, the area under *til* in Bengal has represented some 2·8 per cent. of the total area under *til* in British India.)

Character of the season.—The weather at the outset and during the early period of growth was generally favourable excepting in some West and North Bengal districts, where a less area was sown owing to scanty rainfall. Excessive rainfall in September in Mymensingh and late subsidence of flood-water in Dacca and Tippera also somewhat retarded the cultivation of the crop in these districts and less *til* was sown this year in consequence. Lack of adequate soil-moisture owing to continued drought at the time of maturity adversely affected the outturn notably in the districts of Nadia, Jessore, Birbhum, Dinajpur and Malda. Elsewhere the outturn is expected to be fairly satisfactory.

Acreage.—The total area sown with the crop this year is estimated at 50,700 acres against 52,900 acres last year.

Outturn.—According to District Officers' estimates, the outturn of the crop for the province as a whole works out at 83 per cent. of the normal, against 92 per cent. last year. Taking 6 maunds as a normal rate of yield per acre, the gross outturn for the province is estimated at 9,300 tons this year against 10,900 tons last year, or a decrease of about 15 per cent.

ROBERT S. FINLOW,
Director of Agriculture, Bengal.

•Dacca, the 16th December 1927.

APPENDIX I.

Forecast of the Winter *til* crop of Bengal, 1927-28.

District.	Estimated normal area under winter <i>til</i> .	Estimated area under winter <i>til</i> .		Estimated outturn as a percentage of the normal yield per unit of area.		Date by which sowing generally began this year and whether that date was early, normal or late.	Date by which harvesting generally commenced this year and whether that date was early, normal or late.	Remarks by District Officers.
		Last year (1926-27).	This year (1927-28).	Last year.	This year.			
	Acres.	Acres.	Acres.					
24-Parganas ...	100	100	...	67	...	...	...	The crop was not sown this year for want of rain.
Nadia ...	5,000	1,500	1,500	48	33	Beginning of September. Normal.	End of November. Normal.	The outturn is anticipated to fall much below the normal owing to want of sufficient rain at the time of growth.
Murshidabad ...	1,400	1,100	1,200	67	67	End of August. Normal.	End of December. Normal.	The slight increase in area is due to favourable weather at the sowing time in Jangipur. The weather has been fair. The outturn is likely to fall below the normal owing to damage caused by occasional drought.
Jessore ...	1,000	900	900	55	50	Early part of October. Normal.	December. Normal.	The weather has not been favourable owing to insufficient rain. Hence the outturn is anticipated to be low.
Burdwan ...	600	600	200	83	67	October. Normal.	December. Normal.	The decrease in area is due to drought at the sowing time. The weather has been dry and its effects on the growth unfavourable. Hence low outturn is expected.
Birbhum ...	500	500	400	58	42	September. Normal.	December. Normal.	The decrease in area is due to unfavourable weather. The outturn is anticipated to be much below the normal owing to severe drought which caused damage.
Bankura ...	5,800	4,200	4,200	100	100	End of August. Normal.	December ...	The weather has been favourable and its effects on the growth of the crop beneficial.
Midnapore ...	6,700	1,200	1,100	83	75	Middle of October. Normal.	Latter part of December. Normal.	The decrease in area is due to unfavourable weather at the sowing time. The outturn is likely to fall below the normal owing to insufficient rain.
Howrah ...	100	(2)	Nil	67	...	...	...	
Rajshahi ...	3,900	1,000	1,000	75	67	August. Normal.	Will commence in January. Normal.	The weather has not been favourable owing to drought which caused damage.
Dinajpur ...	400	500	600	61	52	...	Not yet commenced.	The weather has not been favourable.
Jalpaiguri ...	1,000	300	300	92	75	Beginning of August to end of September. A little late.	Latter part of December and first week of January. A little late.	The weather has not been favourable.
Rangpur ...	1,500	1,500	1,500	100	100	October. Normal.	Will begin in January.	The weather has been favourable and a normal outturn is expected.
Bogra ...	800	300	500	80	80	August. Normal.	December. Normal.	The increase in area is due to decrease in area under winter rice. The weather has been fairly favourable.

District.	Estimated normal area under winter <i>till</i> .	Estimated area under winter <i>till</i> .		Estimated outturn as a percentage of the normal yield per unit of area.		Date by which sowing generally began this year and whether that date was early, normal or late.	Date by which harvesting generally commenced this year and whether that date was early, normal or late.	Remarks by District Officers.
		Last year (1926-27).	This year. (1927-28).	Last year.	This year.			
	Acres.	Acres.	Acres.					
Pabna ...	9,000	7,600	7,600	83	100	Beginning of September. Normal.	Will begin in February. Normal.	The weather has been favourable and its effects on the growth satisfactory. A normal outturn is expected.
Malda ...	1,400	1,000	1,100	75	66	By the middle of September. Normal.	Will commence in the middle of January in the normal time.	The weather was good at sowing time but has since been unfavourable owing to want of rain.
Dacca ...	3,900	4,500	4,300	100	84	September. Late.	End of December. Late.	The decrease in area is due to the fact that the water receded later this year. The weather and its effects have been fairly favourable.
Mymensingh ...	8,600	6,800	5,200	100	83	September to October. Normal.	January to February. Normal.	The decrease in area is due to unfavourable weather owing to heavy rainfall in September. The weather has since been fair.
Chittagong ...	200	200	200	100	100	August. Normal.	November. Normal.	The weather has been favourable and a normal outturn is expected.
Tippera ...	1,500	900	700	75	67	November. Normal.	Will commence in February in the normal time.	The decrease in area is due to the fact that some lands were not available for cultivation owing to abnormal rise of water in Brahmanbaria. The weather has not been favourable and a low outturn is anticipated.
Noakhali ...	...	200	200	67	67	August. Normal.	November. Normal.	The weather has not been favourable.
Chittagong Hill Tracts.	10,000	18,000	18,000	100	83	Last week of April. Normal.	Middle of November. Normal.	The weather has been fairly favourable.
Total Bengal ...	63,400	52,900	50,700	92	83			

APPENDIX II.

Abstract statement of estimated acreage and outturn of the winter *till* crop of Bengal for 1927-28.

Province.	Area (in acres).						Yield (in tons).							
	Of current year's crop (1927-28).	Of previous year's crop (1926-27).	Average of preceding—	Percentage by which column 2 exceeds (+), or is less than (-), area in —		Estimated yield of current year, i.e., of area in column 2.	Yield of previous year, i.e., of area in column 3.	Average of preceding—	Percentage by which column 7 exceeds (+), or is less than (-) yield in—					
				Column 3.	Column 4.				Column 8.	Column 9.				
1	2	3	4	5	6	7	8	9	10	11				
			<i>Five years.</i>	<i>Ten years.</i>		<i>Five years.</i>	<i>Ten years.</i>		<i>Five years.</i>	<i>Ten years.</i>				
Bengal	50,700	52,900	46,700	47,500	-4	+9	+7	9,300	10,900	8,900	7,900	-15	+4	+18

Form C—BENGAL.

[Section 5 (2) of the Cotton Ginning and Pressing Factories Act, 1925.]

**Statement of cotton pressed in the Bengal Presidency for the week ending
23rd December 1927.**

1	2	3	4	5	6
Name of Division or Block.	Number of bales pressed.		Number of bales pressed.		Districts included in the block.
	During the week.	During the corresponding week last year.	Since 1st September 1927 (the date prescribed by the Local Government as the commencement of the season).	During the corresponding period last year.	
The Bengal Presidency ...	465 or 458·76125 bales of 400 lbs. each.	229	3,026	2,536	All districts in the Presidency.

E. W. HAMMOND,
Chief Inspector of Factories, Bengal (offg.).

DISTRICT REPORTS ON WEATHER AND CROPS.

For the week ending on the 28th December 1927.

Summary.—Dry weather continued. Sowing of spring crops is approaching completion. Harvesting of winter paddy continues briskly. The standing crops are doing fairly well except in parts of West and North Bengal where the condition is reported to be poor. Distress continues to prevail in parts of Nadia, Murshidabad, Dinajpur, Birbhum and Malda. In the latter two districts the number of persons employed on test relief works was 469 and 1,063 persons respectively. The average price of common rice for the province has fallen by about 1·01 per cent. as compared with that of the previous week.

Serial No.	District and subdivision.	Rainfall.	Price of common rice, in seers, per rupee.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
1	24-PARGANAS...	Nil	5½	5½	Weather seasonable. Harvesting of <i>aman</i> paddy continues. Fodder and water are sufficient.
	Diamond Harbour.	Nil	5½	5½	
	Barrackpore ...	Nil	5	4½	
	Baraset ...	Nil	5½	5½	
	Basirhat ...	Nil	5½	5½	
2	NADIA ...	Nil	5½	5½	Weather seasonable. Harvesting of winter paddy is going on. Prospects of <i>rabi</i> crops are fair except in Sadar and Meherpur subdivisions. Fodder and water are insufficient in Sadar subdivision. Distress is apprehended in Kaliganj thana. Gratuitous relief from private sources continues in two unions of the Sadar subdivision.
	Kushtia ...	Nil	5	5	
	Meherpur ...	Nil	5½	5½	
	Chuadanga ...	Nil	5	5	
	Ranaghat ...	Nil	4½	(n)	
3	MURSHIDABAD	Nil	5½	5½	Weather seasonable. Prospects of standing crops are unfavourable. Fodder and water are insufficient. Test work continues in Jangipur and Kandi subdivisions. Cattle-disease is reported from Shamsherganj and Raghunathganj in Jangipur.
	Lalbagh ...	Nil	5	5	
	Jangipur ...	Nil	6	6	
	Kandi ...	Nil	5½	5½	
4	JESSORE ...	Nil	5	(n)	Weather seasonable. Harvesting of <i>aman</i> paddy is going on in low lands. Prospects of standing crops are fair. Fodder and water are sufficient. Cattle-disease has subsided in Narail subdivision.
	Jhenidah ...	Nil	5½	5½	
	Magura ...	Nil	5½	5½	
	Narail ...	Nil	4	4	
	Bongaon ...	Nil	5½	5½	
5	KHULNA ...	Nil	5½	5½	Effects of weather on crops are good. Harvesting of <i>aman</i> paddy continues. Fodder and water are sufficient. Export of rice is reported.
	Satkhira ...	(n)	(n)	(n)	
	Bagerhat ...	Nil	6	5	

(n) Not reported.

Serial No.	District and subdivision.	Rainfall.	Price of common rice, in seers, per rupee.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
6	BURDWAN ...	Nil	5	5	Weather seasonable. Harvesting of <i>aman</i> paddy and sowing of <i>rabi</i> crops are going on. Prospects of standing crops are not good. Fodder is sufficient but water insufficient.
	Asansol ...	Nil	6	6	
	Katwa ...	Nil	5	5	
	Kalna ...	Nil	5	5	
7	BIRBHUM ...	Nil	$\left\{ \begin{array}{l} 5\frac{1}{2} \\ 6(b) \end{array} \right.$	$\left\{ \begin{array}{l} 5\frac{1}{2} \\ 6\frac{1}{2}(b) \end{array} \right.$	Agricultural conditions are fair at Sadar, but worse at Rampurhat : 469 persons attended the test work at Tarapur on the 25th instant. Fodder is sufficient, but water is not so everywhere. Cattle-disease is reported from Rampurhat subdivision.
	Rampurhat ...	Nil	$\left\{ \begin{array}{l} 5\frac{1}{2} \\ 6(b) \end{array} \right.$	6	
8	BANKURA ...	Nil	6	6 $\frac{1}{2}$	Weather seasonable. Cattle-disease continues in Raipur, Ranibandh and Vishnupur. Fodder and water are sufficient.
	Vishnupur ...	Nil	6	6	
9	MIDNAPORE ...	Nil	5 $\frac{1}{2}$	6 $\frac{1}{2}$	Weather seasonable. Harvesting of <i>aman</i> paddy continues. Prospects of standing crops are fair. Fodder and water are sufficient.
	Contai ...	Nil	8	7 $\frac{1}{2}$	
	Tamluk ...	Nil	5	(n)	
	Ghatal ...	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	
	Jhargram ...	(n)	(n)	(n)	
10	HOOGHLY ...	Nil	5	5	Weather is favourable for the agricultural operations. Threshing of winter paddy is going on. Fodder is sufficient.
	Serampore ...	Nil	5	5	
	Arambagh ...	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	
11	HOWRAH ...	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	Weather seasonable. Harvesting of winter paddy is nearly finished.
	Uluberia ...	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	
12	RAJSHAHI (RAMPUR-BOALIA) ...	Nil	4 $\frac{1}{2}$	4 $\frac{1}{2}$	Weather seasonable. Prospects of standing crops are not good. Harvesting of <i>aman</i> paddy is going on in Natore and Naogaon subdivisions. Fodder and water are sufficient.
	Naogaon ...	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	
	Nator ...	Nil	4 $\frac{1}{2}$	4 $\frac{1}{2}$	
13	DINAJPUR ...	Nil	5	5	Weather seasonable. Effects of weather on agricultural operations are fair. Harvesting of winter paddy is going on. Fodder and water are sufficient.
	Thakurgaon ...	Nil	5 $\frac{1}{2}$	4 $\frac{1}{2}$	
	Balurghat ...	Nil	5 $\frac{3}{16}$	5 $\frac{3}{16}$	
14	JALPAIGURI ...	Nil	4 $\frac{1}{2}$	4 $\frac{1}{2}$	Effects of weather are favourable on agricultural operations. Condition and prospects of standing crops are fair.
	Alipur ...	Nil	4 $\frac{1}{2}$	4 $\frac{1}{2}$	
15	DARJEELING ...	Nil	4	4	<i>Marua</i> , paddy and millet are being harvested. Fodder and water are sufficient.
	Kurseong ...	Nil	5	4	
	Siliguri ...	Nil	5 $\frac{1}{2}$	5	
	Kalimpong ...	Nil	5	5	

(b) New.

(n) Not reported.

Serial No.	District and subdivision.	Rainfall.	Price of common rice, in seers, per rupee.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
16	RANGPUR ...	Nil	4½	4½	Weather seasonable. Fodder and water are sufficient.
	Nilphamari ...	Nil	5	5	
	Kurigram ...	(n)	(n)	(n)	
	Gaibandha ...	Nil	4½	(n)	
17	BOGRA ...	Nil	5½	5½	Harvesting of winter paddy is going on. Prospects of standing crops are fair.
18	PABNA ...	Nil	4½	4½	Prospects of crops are fair. Fodder and water are adequate.
	Sirajganj ...	Nil	4½	4½	
19	MALDA ...	Nil	5	5	Weather seasonable. Prospects of <i>rabi</i> crops in Barind area are not hopeful. Harvesting of winter paddy continues. Test relief work continues at Nachole where 1,063 persons worked. No want of fodder and water.
20	COOCH BEHAR	Nil	6½	6½	Weather seasonable. Prospects of standing crops are favourable. Harvesting of winter paddy and transplantation of tobacco seedlings are continuing. Cattle-disease exists in interior. Fodder and water are sufficient.
21	DACCA ...	Nil	5½	5½	Weather seasonable. Rainfall at North Sadar (Kapasia) nil. Harvesting of <i>aman</i> paddy is almost completed and that of <i>rabi</i> crops has begun in places. Standing crops are satisfactory. Rice market is almost steady. Fodder and water are sufficient.
	Manikganj ...	Nil	4½	4½	
	Narayanganj ...	Nil	4½	4½	
	Munshiganj ...	Nil	5	4½	
22	MYMENSINGH	Nil	5	4½	Weather seasonable. Prospects of crops are normal. Fodder and water are available.
	Jamalpur ...	Nil	5	5	
	Tangail ...	Nil	5	5	
	Netrakona ...	(n)	(n)	(n)	
	Kishorganj ...	(n)	(n)	4½	

(n) Not reported.

Serial No.	District and subdivision.	Rainfall.	Price of common rice, in seers, per rupee.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
23	FARIDPUR ...	Nil	5	5	Weather seasonable. Its effects are favourable on standing crops. Harvesting of winter paddy is almost finished. Prospects of standing crops are fair. Cattle-disease is reported from Kotwalipara and Kashiani. Imports are reported from Bakarganj and northern parts of the district. Fodder and water are sufficient.
	Goalundo (Rajbari).	Nil	4 $\frac{7}{8}$	4 $\frac{7}{8}$	
	Madaripur ...	Nil	6	5 $\frac{3}{4}$	
	Gopalganj (a) ...	Nil	6	6	
24	BAKARGANJ (BARISAL).	Nil	4 $\frac{1}{2}$	4 $\frac{1}{2}$	Weather seasonable. Prospects of standing crops are good. Fodder and water are sufficient.
	Pirojpur ...	Nil	5	4 $\frac{3}{4}$	
	Patuakhali ...	Nil	4 $\frac{5}{16}$	4 $\frac{8}{8}$	
	Dakshin Sha-bazpur (Bhola).	(n)	(n)	4 $\frac{7}{8}$	
25	CHITTAGONG ...	Nil	{ 5 $\frac{1}{2}$ 6*	{ 5 $\frac{1}{2}$ 6* }	Cultivation of <i>rabi</i> crops is in progress. Harvesting of winter paddy is nearly finished. Prospects of standing crops are fair. Fodder and water are sufficient. <i>Panga</i> salt sells at 13 seers per rupee at Sadar and at 12 seers at Cox's Bazar.
	Cox's Bazar ...	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	
26	TIPPERA (COMILLA).	Nil	5 $\frac{1}{8}$	5 $\frac{1}{8}$	Prospects of standing crops are favourable.
	Brahmanbaria	Nil	5 $\frac{1}{2}$	5 $\frac{1}{2}$	
	Chandpur ...	Nil	4 $\frac{7}{8}$	4 $\frac{7}{8}$	
27	NOAKHALI ...	Nil	6	6	Weather fair. Condition of standing crops is good. Fodder and water are sufficient.
	Feni ...	Nil	5 $\frac{3}{4}$	5 $\frac{3}{4}$	
28	CHITTAGONG HILL TRACTS.	Nil	{ 5 $\frac{1}{2}$ 6 $\frac{1}{2}$ (b)	{ 6 $\frac{1}{2}$ (b) 5 $\frac{1}{2}$ }	Weather seasonable.
29	TRIPURA STATE	Nil	5 $\frac{1}{2}$	4	Weather seasonable. Cattle-disease is prevalent in Khowai and Sabroom. Fodder and water are sufficient. Cleansed cotton sells at Rs. 25 to Rs. 35 and jute at Rs. 6 to Rs. 8 $\frac{1}{2}$ per maund.

* Burma rice.

(b) New.

(n) Not reported.

(a) The rainfall at Haridaspur, which is very near to Gopalganj, is not shown here.

DACCA, the 30th December 1927.

H. D. BANERJI, for Director of Agriculture, Bengal.

Vital statistics of towns with a population of 50,000 and over of the Bengal Presidency for the week ending Saturday, the 17th December 1927.

Deaths registered.			Births registered.			Deaths registered.																									
District.	No.	Towns.	Population under registration according to census of 1921.			Births registered.		Deaths registered.																							
			Male.	Female.	Total.	Number registered (excluding still births).	Still-born number registered.	Cholera.	Small-pox.	Plague.	Marria.	Enteric fever.	Measles.	Relapsing fever.	Kala-azar.	Other fevers.	Dysentery.	Diarrhoea.	Influenza.	Pneumonia.	Pthiasis.	Other respiratory diseases.	Injuries including suicide.	Deaths from child-birth.	Other causes.	Male.	Female.	Total.	Male.	Female.	Total.
Calcutta	1	Calcutta	794,548	353,016	1,077,264	520	34	43	2	...	41	17	2	...	12	43	57	23	11	51	55	136	19	...	271	449	334	763	485	449	994
Bardwan	2	Asansol Mining Settlement.	176,514	152,539	329,353	122	...	3	...	...	...	...	...	...	...	21	...	...	...	10	1	5	...	...	60	56	44	100	62	48	110
Howrah	3	Howrah	128,472	66,829	195,301	105	5	24	...	...	13	2	...	...	1	20	20	18	...	16	3	18	4	...	56	105	90	195	90	95	185
Dacca	4	Dacca	67,333	52,117	119,450	105	9	7	...	...	...	...	1	...	4	4	5	3	...	10	1	6	6	4	29	37	43	80	40	34	74
24 Parganas	5	Bhatpara	45,723	19,886	65,609	23	...	4	...	...	...	...	...	...	...	8	3	3	...	...	...	...	...	1	3	12	10	22	8	8	16
	6	Titagarh	36,533	16,918	52,451	6	3	1	...	...	...	...	...	...	...	19	1	5	...	...	...	...	...	...	3	12	12	29	9	6	15

CHAS. A. BENTLEY, M.B., D.P.H., D.T.M. & H., Director of Public Health, Bengal.

CALCUTTA, the 22nd December 1927.

Statement of weekly gauge-readings on the river Ganges at Rampur Boalia for the week ending the 24th December 1927.

Date.	Hour.	Height of surface above zero of gauge.	Height of surface above P. W. D. datum.	Height of surface above P. W. D. datum on the same date last year.	Remarks.
1927.					
18th December ...	7 A.M.	40·35	40·35	38·75	P. W. D. datum 6·25 feet above Kidderpur old dock sill. B. M. on Rajshahi College step 64·73. Value of zero of gauge = 0·00 P. W. D.
19th " ...	7 "	40·25	40·25	38·65	
20th " ...	7 "	40·15	40·15	38·55	
21st " ...	7 "	40·05	40·05	38·45	
22nd " ...	7 "	39·95	39·95	38·35	
23rd " ...	7 "	39·85	39·85	38·20	
24th " ...	7 "	39·75	39·75	38·10	

		P. W. D. datum.		
The previous year's	Highest water-level	on 10th September 1927	...	58·75
Do.	Lowest	on 25th May 1927	...	34·95
Record	Highest	... 69·25 on 2nd August 1879	...	64·44
Do.	Do.	... 69·08 on 9th September 1885	...	64·27
Do.	Do.	... 68·80 on 25th August 1906	...	63·47
Do.	Do.	... 68·21 on 26th August 1920	...	63·40
Do.	Do.	on 13th August 1922	...	61·70
Do.	Do.	on 27th August 1923	...	61·05
Do.	Do.	on 18th August 1924	...	61·85
Do.	Do.	on 16th September 1925	...	61·45
Do.	Lowest	... 37·63 on 25th April 1884	...	32·82
Do.	Do.	... 38·18 on 14th and 15th April 1883	...	33·82
Do.	Do.	... 39·02 on 21st and 22nd April 1897	...	34·21
Do.	Do.	... 39·28 on 6th and 7th May 1908	...	34·47
Do.	Do.	on 9th May 1922	...	34·70
Do.	Do.	on 4th May 1923	...	35·80
Do.	Do.	on 25th May 1924	...	35·95
Do.	Do.	on 15th April 1925	...	35·80

N.B.—The gauge-readings commenced from the 1st August 1887.

M. M. KER, for *Subdivisional Officer*,

I. D., Rajshahi.

RAMPUR BOALIA, the 24th December 1927.

Statement of weekly gauge-readings on the rivers Ganges and Brahmaputra at Goalundo for the week ending the 24th December 1927.

Month and date.	Hour.	Height of surface above zero.	Height of surface above mean sea-level.	Height of surface above mean sea-level on the same date last year.	Remarks.
1927.					
18th December ...	7 A.M.	10·4	10·4	9·4	Zero is placed at mean sea-level. The bench-mark for this gauge is marked on a pucca base between passenger ghât and Chandpur ghât at Goalundo.
19th " ...	7 "	10·1	10·1	9·4	
20th " ...	7 "	10·0	10·0	9·4	
21st " ...	7 "	9·9	9·9	9·4	
22nd " ...	7 "	9·8	9·8	9·3	
23rd " ...	7 "	9·8	9·8	9·3	
24th " ...	7 "	9·7	9·7	9·2	

The gauge-readings commenced on 3rd October 1909.

Highest recorded flood during previous year ... 26·4 on 15th August 1926.

Highest recorded flood ... 26·7 on 23rd and 24th August 1914; 26·5 on 15th September 1925; 25·75 on 28th August 1906, and 25·66 on 11th to 17th and 31st August 1889, and 1st to 3rd September 1883.

Lowest recorded water-level during previous year ... 6·0 on 24th February 1926.

Previous recorded low water-level ... 1·0 on 8th February 1914.

N.B.—The gauge-readings commenced from 3rd October 1909.

A. M. PAUL, for *Subdivisional Officer*,

P. W. D., Faridpur.

RAJBARI, the 26th December 1927.

**Statement showing the gauge-readings at Dacca water-works on the river
Burliganga for the week ending 17th December 1927.**

Date.	At highest water.		At lowest water.		Commencement of—		Remarks.	
	Time.	Reading.	Time.	Reading.	Ebb tide.	Flow tide.		
1927.							7 A.M.	5 P.M.
11th Dec. ...	12-55	7.5	7-20	6.15	13-10	7-30	6.25	6.6
12th „ ...	13-40	7.05	8-10	5.7	13-50	8-20	6.0	6.3
13th „ ...	14-30	6.8	9-5	5.4	14-40	9-15	5.9	6.2
14th „ ...	15-20	6.3	10-0	4.9	15-30	10-15	5.5	6.0
15th „ ...	16-10	5.8	10-45	4.4	16-20	11-0	5.1	5.65
15th „ ...	17-0	5.7	11-30	4.3	17-10	11-45	5.05	5.7
17th „ ...	...	...	12-15	4.0	...	12-30	5.1	5.2

B. M. on settling tank 39.49 O. M. S. L. Zero is at O. M. S. L.

Notable high and low water-levels of previous years.

Taken at high tide.			Taken at low tide.		
27th August	1906	... 70.5	23rd February	1907	... 51.06
5th September	1909	... 66.86	13th „	1908	... 51.06
10th August	1910	... 69.86	12th March	1912	... 51.06
1st „	1911	... 68.46	6th „	1914	... 50.60
13th „	1912	... 67.16	22nd February	1915	... 50.80
31st „	1915	... 69.7	15th „	1916	... 50.60
8th „	1916	... 68.1	3rd March	1917	... 51.0
12th „	1917	... 67.1	21st February	1918	... 51.40
13th „	1918	... 69.12	26th „	1919	... 50.4
2nd „	1919	... 66.8	18th „	1920	... 50.9
8th September	1920	... 66.9	19th „	1921	... 50.9
28th July	1921	... 68.4	8th March	1922	... 51.05
10th August	1922	... 68.00	14th „	1923	... 50.8
31st July	1923	... 66.15	16th February	1924	... 50.50
29th August	1924	... 68.82	5th March	1925	... 50.9
8th September	1925	... 68.52	9th February	1926	... 2.2
15th August	1926	... 19.6			

N.B.—Zero of the gauge at Dacca water-works prior to 11 A.M. on 8th January 1926 = -48.51 with reference to P. W. D. datum.

Zero of the gauge at Dacca water-works since 11 A.M. on 8th January 1926 = 0.00 with reference to P. W. D. datum.

P. K. DATTA, for *Executive Engineer,*
Khulna Division.

KHULNA, the 22nd December 1927.



The Calcutta Gazette

THURSDAY, JANUARY 12, 1928.

SUPPLEMENT.

Official Papers.

[Non-subscribers to the GAZETTE may receive SUPPLEMENT separately on payment of five rupees per annum, if delivered in Calcutta, or seven rupees and eight annas if sent by post.]

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RESOLUTION ON THE ANNUAL REPORTS OF THE CIVIL VETERINARY DEPARTMENT, BENGAL, AND OF THE BENGAL VETERINARY COLLEGE, FOR THE YEAR 1926-27.

GOVERNMENT OF BENGAL.

DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

Veterinary.

CALCUTTA, THE 17TH DECEMBER, 1927.

RESOLUTION—No. 6636 Vety.

Minister-in-charge: The Hon'ble Sir P. C. Mitter, Kt., C.I.E.

READ—

Annual Reports of the Civil Veterinary Department, Bengal, and of the Bengal Veterinary College, for the year 1926-27.

I.—Civil Veterinary Department.

Mr. P. J. Kerr held charge of the office of the Director of Civil Veterinary Department and Veterinary Adviser to Government throughout the year. Rai Sahib Sharat Chandra Pal was Assistant Director in charge of the Western Range throughout the year, except

for 2 months' leave, and Babu Nripendra Nath Mazumdar was Assistant Director in charge of the Eastern Range throughout the year.

2. There has been no noticeable change in the administrative arrangements generally during the year under review, but Government have had under consideration a number of important schemes submitted by the Veterinary Adviser. Administrative approval has been given to his proposal to supply local bodies with free serum for inoculation against epidemic diseases. Whilst inoculation, if promptly and universally applied, affords a practically certain method of stamping out epidemic disease, the difficulty felt by local bodies in meeting, and their consequent reluctance to incur, the heavy expense on account of the purchase of preventive serum, has made it difficult for the Veterinary Department to deal with these outbreaks satisfactorily in the past. Consequently, while adhering to the view that the ordinary care of animals is a matter which properly appertains to local bodies, Government decided to treat the combating of epidemic disease on provincial lines. Administrative approval has similarly been given to the employment of 9 extra staff Veterinary Assistant Surgeons for epidemic and propaganda work: and to the appointment of an officer of the rank of Inspector to carry out propaganda on the subject of the prevention of diseases, etc. It is hoped that funds will be provided for these purposes in next year's budget.

A valuable scheme for thana dispensaries to be administered by groups of Union Boards was drawn up in consultation with, and with the concurrence of, those bodies by the Collector of Faridpur, Mr. L. B. Burrows, and was submitted to Government by the Veterinary Adviser. The scheme was approved by Government but the wording of the Village Self-Government Act as it now stands prevents the fulfilment of the scheme in practice. The amendment of the Act is under consideration.

3. The total number of deaths of animals due to epidemic disease was 35,719 as compared with 33,224 in the previous year. The Director attributes this not so much to any actual increase in the prevalence of disease as to a better system of intelligence. Rinderpest with 33,405 deaths accounted for over 93 per cent. of the casualties, while 1,492 beasts died of hæmorrhagic septicæmia, 464 of these being in the district of Midnapore. Khulna and Bakarganj had over 4,400 deaths each from rinderpest, Chittagong running them close with 3,239. It is noticeable that the Sodepur Pinjrapole had 193 deaths from contagious diseases, a total which exceeded that of either Cooch Behar, Darjeeling, Bogra, Hooghly or Howrah. This, however, is an immense improvement on the two previous years when 1,742 and 865 inmates of this institution succumbed.

The Hon'ble Minister is glad to observe that there has been an appreciable increase in the number of cattle inoculated, *viz.*, 206,616 as against 173,762 in the previous year, but there are 25½ million cattle in Bengal and an inoculation rate of less than 1 per cent. can only mean that there is a long way to go before it can be said that the Department has obtained control of epidemic disease. Government will watch with interest when these schemes come into operation the effect of the free supply of serum and of the increased staff, referred to in paragraph 2 above.

The usual work of the Veterinary Assistant Surgeons was carried on, and 126,661 cases were treated as against 100,830 in the previous year. The staff of reserve Veterinary Assistant Surgeons was increased by 4.

Two new dispensaries, one at Kharagpur and one at Tangail, were opened during the year and there were 4 more Veterinary Assistant Surgeons employed by local bodies than in the previous year. There was again an increase in the number of cases treated at dispensaries, *viz.*, 56,184 as against 51,025 or nearly 10 per cent., which is much the same rate as the previous year showed in respect of its predecessor, and a proof that the services of the Department are appreciated. It is satisfactory to observe that the District Board of Faridpur have provided funds for the construction of serum cellar.

The Department took its share in that successful enterprise of the Eastern Bengal Railway, the Demonstration Train, and the Veterinary Adviser reports favourably on its results.

4. His Excellency acting with the Minister-in-charge notices with pleasure the names of officers of the Department who did good work during the year and desires to acknowledge also the efficient way in which Mr. Kerr discharged his duties.

II.—Bengal Veterinary College.

5. Mr. A. D. MacGregor held charge as Principal; Mr. R. T. Davis as Vice-Principal, and Rai Sahib Dibakar De as Assistant Principal throughout the year. Towards the close of the year Government issued orders placing the College directly under Government instead of being, as hitherto, under the control of the Veterinary Adviser.

6. There was an increase in the number of students attending the College, the number at the close of the session being 125 as against 100 in the previous year. At the beginning of the present session there were 168 students, but a certain number always fall out during the course of the year. The increase is probably due almost entirely to the decision of Government to reintroduce the Government stipends for Bengal students. These were discontinued in accordance with a recommendation of the Retrenchment Committee with effect from May, 1923, and were followed by an immediate drop in the number of Bengal students in the two succeeding years. They have been reintroduced with effect from the current session. The remark of the Board of Examiners in respect of the annual examination held in February-March, 1927, that the results were highly satisfactory in classes A and B and fairly satisfactory in class C reflects credit on the teaching staff. The teaching staff was strengthened by a new appointment of Assistant Lecturer in the Inspector grade.

7. The number of patients treated and operations performed showed little variation, *viz.*, 2,562 and 374, respectively, as compared with 2,587 and 296 in the previous year.

Valuable work was as usual carried out at the Raymond Research Laboratory, in examination of pathological specimens of brains for rabies and so on.

8. During the year under report the Committee of Management of the College which had been more or less in abeyance for many years was reconstituted and its duties defined.

9. His Excellency acting with the Minister-in-charge notices with pleasure the names of those of his staff mentioned by the Principal for good work during the year and desires to acknowledge the care and attention which Mr. MacGregor has devoted to the administration of the College.

10. The Minister would conclude this resolution by stating that he has to discharge the duty of reviewing the administration of a year in the policy or supervision of which he had no hand and so naturally he had to proceed on records as he found them. The difficulties of his delicate task have been further enhanced by the fact that he had to undertake this duty even before he had a reasonable time to shape his own policy.

By order of the Government (Ministry of Agriculture).

R. N. REID,

Secretary to the Government of Bengal.

CORPORATION OF CALCUTTA.

NOTICE.

In compliance with the provisions of section 481 of the Calcutta Municipal Act, 1923, it is hereby notified for general information that the Corporation of Calcutta propose to frame the following by-laws under clause (50) of section 478 of the said Act regarding weights and measures :—

By-laws under section 478 (50) of the Act of 1923 for preventing the use in any market of false or incorrect weights, scales or measures.

In the following by-laws the word " vendor " shall mean and include a shop-keeper, stall-holder or squatter.

(i) No vendor in any market within the limits of Calcutta shall use or be in possession of or sell by any false, incorrect or defective instrument for weighing, scales or measures of length or capacity.

(ii) No vendor in any market within the limits of Calcutta shall use any weight or any measure of length or capacity as a different weight or measure from what it is.

(iii) Such standards of weights, instruments for weighing, scales and measures as the Chief Executive Officer may deem requisite for the purpose of the verification of weights, instruments for weighing, scales and measures shall be kept in the custody of the Superintendents of the Municipal Markets or any other officer or officers duly authorised by the Chief Executive Officer in that behalf. There shall also be kept in the same custody a die for the purpose of stamping weights, instruments for weighing, scales and measures which have been duly verified as hereinafter provided. Any weight, scale or measure not conforming to the standards hereinbefore provided shall be deemed to be false and incorrect for the purpose of these bye-laws.

(iv) The Superintendents of the Municipal Markets or any other officer or officers duly authorised by the Chief Executive Officer in that behalf shall, not less than once in every three months, examine and verify the scales, instruments for weighing, weights and measures used by a vendor in any market by comparison with the said standards and shall also similarly examine and verify every scale, weight, instrument for weighing or measure that may be brought to him for the purpose of verification by any other person; and if in either case he finds the same to be correct, shall stamp it with the die mentioned in bye-law (iii) as and by way of a stamp of verification.

(v) The said officer shall enter in a book to be kept by him minutes of every such verification and shall give, if required, a certificate under his hand of every such stamping.

(vi) There shall be payable to the Corporation in respect of the verification and stamping as aforesaid of scales, instruments for weighing, weights and measures by the said officer such fees as the Chief Executive Officer may from time to time fix in this behalf; provided that no fee shall be charged for the second or subsequent verification of the same scale, instrument for weighing, weight or measure used by a vendor in any market.

(vii) An officer of the Corporation duly authorised by the Chief Executive Officer in that behalf may seize or detain any weights, instruments for weighing, scales or measures which he may suspect to be false or incorrect and send the same for comparison with the said standards.

A scale, instrument for weighing, weight or measure that may on such comparison as aforesaid be found to be false or incorrect shall be liable to destruction or confiscation.

(viii) Every person using or being in possession or in charge of or having control over any weights, instruments for weighing, scales or measures for the purpose of use in any market, shall, whenever required by an officer of the Corporation authorised by the Chief Executive Officer in that behalf, be bound to produce such weights, instruments for weighing, scales or measures for examination and comparison with the said standards.

(ix) *Penalty.*—Whoever commits a breach of the foregoing by-laws Nos. 1, 2 and 8 shall be punishable (a) with fine which may extend to Rs. 20, and in the case of continuing breach, with fine which may extend to Rs. 10 for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to Rs. 10 for every day during which the breach continues after receipt of written notice to discontinue the breach.

A printed copy of the above by-laws is open to public inspection free of charge and may be purchased on payment of a fee of annas 2, at the Secretary's Office, Central Municipal Office, on any working day, between the hours of 11 A.M. and 4 P.M.

Objections, if any, to the proposed by-laws will be received by the undersigned up to Monday, the 27th February 1928, after which the proposed by-laws will be further proceeded with.

J. C. MUKERJEA, *Chief Executive Officer.*

CENTRAL MUNICIPAL OFFICE, the 5th January 1928.

DISTRICT REPORTS ON WEATHER AND CROPS.

For the week ending on the 4th January 1928.

Summary.—Dry weather continued. Sowing of spring crops is almost over. Harvesting of winter paddy is much advanced. Transplantation of summer paddy seedlings continues. Prospects of standing spring crops are generally fair except in some districts of West and North Bengal where the condition is reported to be poor. Preparatory tillage for jute and other autumn crops has commenced in some Eastern Bengal districts. Distress continues to prevail in parts of Nadia, Murshidabad, Dinajpur, Birbhum and Malda. In the latter two districts the number of persons employed on test relief works was 492 and 252 persons respectively. The average price of common rice for the province has fallen by about 2·52 per cent. as compared with that of the previous week.

Serial No.	District and subdivision.	Rainfall.	Price of common rice, in seers, per rupee.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
1	24-PARGANAS...	0·00	5½	5½	Weather seasonable. Harvesting of <i>aman</i> paddy continues. Fodder and water are sufficient.
	Diamond Harbour.	Nil	7½	5½	
	Barrackpore ...	Nil	5½	5	
	Baraset ...	Nil	5½	5½	
	Basirhat ...	(n)	(n)	5½	
2	NADIA ...	Nil	4½	5½	Weather seasonable. Prospects of <i>rabi</i> crops are not favourable. Distress is apprehended in Kaliganj and Tehatta thanas. Broken <i>Burma</i> rice is being imported in some parts of Meherpur subdivision. Fodder and water are insufficient.
	Kushtia ...	Nil	5	5	
	Meherpur ...	Nil	5½	5½	
	Chuadanga ...	(n)	(n)	5	
	Ranaghat ...	Nil	4½	4½	
3	MURSHIDABAD	Nil	5½	5½	Weather seasonable. Prospects of standing crops are bad. Test works continue in Kandi and Jangipur. Fodder and water are insufficient. Cattle-disease is reported from Shamsherganj and Sagardighi in Jangipur.
	Lalbagh ...	(n)	(n)	5	
	Jangipur ...	Nil	6	6	
	Kandi ...	Nil	5½	5½	
4	JESSORE ...	Nil	5	5	Weather seasonable. Harvesting of <i>aman</i> paddy is going on. Prospects of standing crops are fair. Fodder and water are sufficient.
	Jhenidah ...	Nil	5½	5½	
	Magura ...	Nil	5½	5½	
	Narail ...	Nil	4½	4	
	Bongaon ...	Nil	5½	5½	
5	KHULNA ...	Nil	5½	5½	Effects of weather on crops are good. Harvesting of <i>aman</i> paddy continues. Slow export of rice is reported. Fodder and water are sufficient.
	Satkhira ...	Nil	6	(n)	
	Bagerhat ...	Nil	6	6	

(n) Not reported.